United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 88th CONGRESS, SECOND SESSION

Vol. 110 WASHINGTON, SATURDAY, AUGUST 1, 1964 No. 148

House of Representatives

The House was not in session today. Its next meeting will be held on Monday, August 3, 1964, at 12 o'clock noon.

Senate

SATURDAY, AUGUST 1, 1964

The Senate met at 10 o'clock a.m., and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God of all life, in whose presence is no darkness at all: As we bow in contrition before Thee, the bewildering voices of the noisy world about us are hushed into a sacramental silence. Whenever we really turn to Thy light, all arrogance is rebuked and pride of opinion is mocked. We confess that at best we but grope in the shadows, that our sight is dim, our knowledge partial, and our judgments fallible.

Make us honest and honorable enough to bear the vision of the truth, wherever it may lead; to cast aside all pretense; and to despise all compromise and expediency which warp the soul. We ask it in the name of Him who is the Light and the Truth. Amen.

THE JOURNAL

On request by Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Friday, July 31, 1964, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. HUMPHREY, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

COMMITTEE TO ATTEND THE FUNERAL OF THE LATE SENATOR CLAIR ENGLE

The ACTING PRESIDENT pro tempore. Pursuant to the second resolving clause of Senate Resolution 344, the Chair appoints the following Senators as members of the committee on the part of the Senate to attend the funeral of the late Senator Clair Engle of California:

Senator THOMAS H. KUCHEL, of California, chairman.
Senator ALAN BIBLE, of Nevada.
Senator THRUSTON B. MORTON, of Kentucky.
Senator RALPH YARBOROUGH, of Texas.
Senator E. L. BARTLETT, of Alaska.
Senator HOWARD W. CANNON, of Nevada.
Senator FRANK E. MOSS, of Utah.
Senator STEPHEN M. YOUNG, of Ohio.
Senator LEN B. JORDAN, of Idaho.
Senator DANIEL K. INOUYE, of Hawaii.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

S. 1909. A bill to amend the joint resolution establishing the Battle of New Orleans Sesquicentennial Celebration Commission to authorize an appropriation to enable the Commission to carry out its functions under such joint resolution (Rept. No. 1291); and

S. 2419. A bill to authorize the Secretary of the Interior to condemn certain property in the city of St. Augustine, Fla., within the boundary of the Castillo de San Marcos National Monument, and for other purposes (Rept. No. 1290).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 1481. A bill to provide for the establishment of the Agate Fossil Beds National Monument in the State of Nebraska, and for other purposes (Rept. No. 1292).

INDEPENDENT OFFICES APPROPRIATIONS BILL, 1965—AMENDMENTS (AMENDMENTS NOS. 1169 THROUGH 1173)

Mr. CLARK. Mr. President, on behalf of the Senator from Wisconsin [Mr. PROXMIRE], I submit five amendments which he intends to propose to House bill 11296, the independent offices appropriation bill.

Mr. President, I ask that these amendments may be printed and also printed in the RECORD at this point.

The ACTING PRESIDENT pro tempore. The amendments will be received, printed, and lie on the table; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

AMENDMENT NO. 1169

On page 2, line 22, strike out "$4,855,000" and insert "$4,285,000".

On page 2, line 23, strike out "$600,000" and insert "$250,000".

On page 4, line 2, strike out "$950,000" and insert "$880,000".

On page 4, line 19, strike out "$85,000,000" and insert "$70,000,000".

On page 5, line 7, strike out "$69,200,000" and insert "$19,200,000".

On page 6, lines 11–12, strike out "$9,250,000" and insert "$8,500,000".

On page 6, line 23, strike out "$10,775,000" and insert "$10,440,000".

On page 7, line 9, strike out "$86,124,000" and insert "$79,000,000".

On page 8, line 1, strike out "$22,187,000" and insert "$21,805,000".

On page 11, line 5, strike out "$277,000" and insert "$270,000".

On page 12, line 3, strike out "sixteen" and insert "twelve".

On page 12, line 4, strike out "twelve" and insert "eight".

On page 12, line 5, strike out "$544,100,000" and insert "$537,600,000".

On page 12, line 9, strike out "$6,344,000" and insert "$6,000,000".

On page 12, line 10, strike out "406" and insert "396".

On page 12, line 25, strike out "$66,000,000" and insert "$50,000,000".

On page 14, line 9, strike out "$42,000,000" and insert "$21,000,000".

On page 14, line 16, strike out "$3,600,000" and insert "$3,530,000".

On page 15, line 4, strike out "$1,800,000" and insert "$1,620,000".

On page 16, line 19, strike out "$18,460,000" and insert "$18,310,000".
On page 17, lines 1–2, strike out "$12,699,000" and insert "$12,180,000".
On page 17, line 10, strike out "$18,025,000" and insert "$12,725,000".
On page 18, line 4, strike out "$224,570,000" and insert "$213,800,000".
On page 19, line 23, strike out "$161,247,500" and insert "$151,722,000".
On page 35, line 7, strike out "$52,420,000" and insert "$48,920,000".
On page 35, line 22, strike out "$15,155,000" and insert "$14,955,000".
On page 36, line 11, strike out "$5,785,000" and insert "$5,465,000".
On page 37, line 4, strike out "$3,000,000" and insert "$2,875,000".
On page 38, line 14, strike out "$1,530,000" and insert "$1,505,000".
On page 39, line 14, strike out "$21,840,000" and insert "$19,565,000".
On page 43, line 9, strike out "$15,925,000" and insert "$15,525,000".
On page 43, line 12, strike out "$3,500,000" and insert "$3,250,000".
On page 44, line 21, strike out "$50,000".
On page 45, line 23, strike out "$18,084,000" and insert "$15,484,000".
On page 46, line 7, strike out "thirty-eight" and insert "thirty-six".
On page 48, line 8, strike out "$25,710,000" and insert "$25,280,000".
On page 47, line 4, strike out "$4,413,494,000" and insert "$4,313,594,000".
On page 51, line 20, strike out "$155,250,000" and insert "$155,000,000".
On page 52, line 8, strike out "$14,500,000" and insert "$14,200,000".
On page 52, line 13, strike out "$38,000,000 of which $1,275,000" and insert "$38,000,000 of which $1,170,000".
On page 54, line 12, strike out "$39,600,000" and insert "$34,600,000".
On page 55, line 1, strike out "$98,733,000" and insert "$91,233,000".
On page 65, line 22, strike out "$10,375,000" and insert "$9,000,000".
On page 68, line 6, strike out "$78,750,000" and insert "$75,000,000".

AMENDMENT No. 1170

On page 7, lines 7–9, strike out "including not to exceed $4,300,000 for subsidy for helicopter operations during the current fiscal year, $86,124,000," and insert $81,824,000".

AMENDMENT No. 1171

On page 12, lines 24–25, strike out "and purchase of eight aircraft; $86,000,000," and insert "$65,071,000".

AMENDMENT No. 1172

On page 47, line 4, strike out "$4,413,594,000" and insert "$4,313,594,000".

AMENDMENT No. 1173

On page 52, line 13, strike out "$38,000,000" and insert "$36,987,000".

INCORPORATION OF AMERICAN ACADEMY OF ACTUARIES—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of July 24, 1964, the names of Senators AIKEN, ALLOTT, BEALL, BYRD of Virginia, CARLSON, CASE, DOMINICK, GRUENING, HART, HARTKE, JAVITS, KUCHEL, LONG of Missouri, MILLER, NELSON, PROUTY, PROXMIRE, SMITH, and TOWER were added as additional cosponsors of the bill (S. 3027) to incorporate the American Academy of Actuaries, introduced by Mr. DODD (for himself and Mr. CURTIS) on July 24, 1964.

FOREIGN PRESS REACTION TO NOMINATION OF REPUBLICAN NOMINEE FOR PRESIDENT

Mr. MANSFIELD. Mr. President, I have noted with interest and some dismay the reaction of the press outside the United States to the nominee of the Republican Party. Some of the comment has been farfetched and carried to an extreme. In my judgment, it will have no influence on American opinion. The American people are not likely to vote in a manner designed to please the foreign press or for that matter to displease the foreign press. The American people will vote on the issues as drawn in the United States and for the United States. Nevertheless, much of the foreign press comment is to say the least, in questionable taste and it could be, in the end, harmful to the relations existing between us.

The press of the world has a right to its opinion. As far as political campaigns in this country are concerned, however, they are the primary responsibility of the American people and they will be decided by the American people come next November.

It is not the job of our press to become participants, even indirectly, in political campaigns in other nations. Nor do I think it the responsibility of the press of other nations to participate even indirectly in the political campaigns in this country.

It is too much to expect, I suppose, that the oversea press will operate under a moratorium as far as the American political campaign is concerned. But I believe it would be in the best interests of all concerned if that press would content itself with providing its readers with accurate factual information and a temperate analysis of political events here.

There is no panic in the United States over the nomination of BARRY GOLDWATER. Much less ought one to be induced abroad to the detriment of oversea U.S. relations.

The American people, through its domestic instruments of communication will obtain all of the information it requires for sound political judgment. The American people have no need to be frightened or prodded, as a part of the process of forming their judgments, by a panicky oversea press. The American people alone will decide who the next President will be and they will do so in the splendid isolation of the ballot booths on the first Tuesday after the first Monday in November.

LIBERALISM A LA 1776

Mr. SIMPSON. Mr. President, the nomination of BARRY GOLDWATER for President of the United States undoubtedly has done as much to ulcerate the liberal press in America as did the Boston Tea Party of a bygone era.

With this in mind, I would invite the attention of Senators to a satirical gem which was incorporated in the July 23 broadcast of the distinguished newscaster and commentator, Fulton Lewis, Jr.

Mr. Lewis identified the piece as the work of the editors of the Republican Congressional Newsletter, and he dedicated it in "joint tribute to Walter Lippmann, Marquis Childs, Eric Severeid, Huntley and Brinkley, Howard K. Smith, and Ed Morgan."

I ask unanimous consent to have this excerpt from the Newsletter printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

THE 1776 COLUMN

Now, while Senator GOLDWATER was being accorded his tribute on the Senate floor today, I ran across a literary gem, which I think should be brought to your attention. After all, the Republican National Convention last week had its rough moments for some members of the columnist clan, in particular from former President Eisenhower and former Vice President Nixon and I think that the columnists who were being referred to deserve a little solace in their darker moments and I being a man of deep and generous sympathies, propose to do something about it here and now. This little piece was written by ons of the editors of the Republican Congressional Newsletter, as the work of a columnist as of the year 1776, and I am presenting it to you in joint tribute to Walter Lippmann, Marquis Childs, Eric Severeid, Huntley and Brinkley, Howard K. Smith, and Ed Morgan.

Here it is:

"Right wing extremists, who insist on carrying out a futile war against the Crown, have selected the worst possible choice, George Washington, as Commander in Chief. The entire war has been characterized by lack of organization. The Benedict Arnold poll has shown conclusively that the war is unpopular with 51.3 percent of the American people.

"The constant attempt to undermine King George III is obviously the work of the 'Birchbark Group,' which is advocating full independence from the mother country. It is time for an agonizing reappraisal of ths course of the colonists. The violent fanaticism and extremism exhibited by the raffish group, who polluted the waters of Boston Harbor with tons of British tea, certainly lowers our prestige in England. They rspresent only a small minority of popular thought, definitely out of the mainstream of colonial thinking.

"The stature of the Colonials was hardly enhanced by one Paul Revere, who helped organize a sneak sttack in the middle of the night against the loyal forces of the King. It seems that Gsorge III has been judged harshly. His sfforts to fight inflation by taking most of the spendable income in taxes, are misunderstood by agrarian minds, who cling to the puritan ethic, and who embrace the dangerous concept that what a man earns he can keep and spend as he sees fit.

"These myths must be dispelled if the country is going to move forward. The current police action has been characterized by petty drama and the injection of patriotism and religion into national affairs. While such statements as that of Nathan Hale—"I regret that I have but ons life to give for my country"—are theatrical, they do not solve the problems of learning to coexist with the Monarchy. Had George Washington been mors accommodating at Trenton, N.J., the Colonials could probably have reached a detents with the King, and the country could progress with the King, and the country could progress with the problem of integrating the various Indian tribes, who are granted separate but equal use of the forests and streams.

"It is hardly a fitting example for a man who has been viewed by these anti-British hate groups as "Father of His Country" to have stood up in the boat while crossing the Delaware. This action indicates irresponsibility and leaves open the question of whether or not he is fit to rule, should the Revolution, by some quirk of fate, succeed. It is rumored that there are pockets of poverty among the forces encamped at Valley Forge. It is also rumored that Washington is seeking development of more modern weapons, including naval craft. This threatens to escalate the conflict into all-out war. It would seem a more prudent course of action to limit weaponry production to tomahawks and blunderbusses. The threat of annihilation, should more accurate weapons be introduced, should give pause to those who have their finger on the trigger of world holacaust.

"There are reliable reports that a rift has developed between King George and King Louis the XVI. This rift should be exploited. The Colonials should attempt to wean George III away from the French orbit of influence, through more trade and friendlier relations between the Redcoats and the Continental Congress.

"How George Washington could be chosen by thinking Americans, surpasses understanding. He is a landed Virginia gentleman, has acted intemperately during the course of the conflict, and threatens to prolong hostilities with his attitudes. The best interests of the country can be served by negotiating a peace treaty with King George at once, setting up a neutralist government—with one American, one Frenchman, and one Britisher to govern. It has been a hatefully conceived war, conducted poorly, not popularly supported, and I fear, doomed to ignominous failure."

SENATOR GOLDWATER: A TRUE FRIEND OF GREECE

Mr. SIMPSON. Mr. President, Senator GOLDWATER delivered a major address at the 40th national convention grand banquet of AHEPA at Chicago recently, and the accolades are still being heard.

In an eloquent tribute indicative of his vast knowledge of and broad interest in the rich Greek culture that has shaped Western civilization, the Arizona Republican reminded the Americans of Greek ancestry of the brilliance and significance of that ancestry.

Senator GOLDWATER paid homage to the learned philosophers of ancient Greece, stating that "theirs were the ideas which lie at the heart of the American concept of freedom." He reminded his audience that "it was their forefathers who literally created the very idea of freedom today as we know it."

BARRY GOLDWATER'S tribute was not limited to the sages of a bygone era, however, for he asserted:

The heroic stand of modern Greeks against Nazis and then against the Communists showed the world that the spirit of ancient Greece still lives today in the Greeks of modern times.

You are conservatives. You have conserved from your ancestry that tradition of fierce independence—that concept of the greatness of man—which we conservatives of the modern world treasure as a priceless possession.

The most compelling tribute elicited by Senator GOLDWATER'S superb address came from the editors of the Greek Press who wrote, in prefacing the full text of the Senator's speech in their newspaper:

Senator BARRY GOLDWATER, of Arizona, the Republican candidate for President, is a true friend of Greece. Senator GOLDWATER delivered one of the most historic apeeches of his political career, lauding the heritage of ancient Greece to the Western civilization. Hie words remain as a document of exceptional value to Greeks everywhere.

I ask unanimous consent, Mr. President, to have the full text of Senator GOLDWATER'S speech before the AHEPA convention printed in the RECORD as it appears in the July 22 and July 29 issues of the Greek Press.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SENATOR BARRY GOLDWATER LAUDS HELLENIC HERITAGE AT AHEPA BANQUET—SPEAKS AS TRUE FRIEND OF GREECE

(Senator BAAAY GOLDWATER, of Arizona, the Republican candidate for President, is a true friend of Greece. At the AHEPA convention in Chicago where he was one of the main speakers Senator GOLDWATER delivered one of the most historic speeches of his political career lauding the heritage of ancient Greece to the Western civilization. His words remain ae a document of exceptional value to Greeks everywhere.)

It is a great honor and a great privilege to be here today—to have the opportunity to address you Americans of Greek ancestry. There is no other group in all this country which stands in a cloeer or more vital relationship with the basic traditions of Western civilization. For it was the ancient Greeks who described for the first time the conditions necessary for political freedom. It was your ancestors—you—sitting here in this room today who created the idea of a mixed constitution, the concept of checks and balances which lies at the very heart of our American system of government.

A conservative is a man who believes we have something worth conserving. A conservative knows that we were not born yesterday. A conservative knows that the wisdom of the ages is not something to throw overboard because some young college graduate has just had another bright idea.

You, here in this room, are true conservatives. You whose ancestors developed a level of civilization which even now many of ua are scarcely able to understand and appreciate. You know the meaning of the word "conservative," because the great part of our civilization, and the best of it, exists today only because you and others have conserved the magnificent cultural heritage of Greece. As one who is primarily interested in the political life of our Nation, I feel very strongly the debt we owe you, eepecially for the basic political ideas that come to us from the Greek tradition.

Very properly we pay homage to the Americans who have been called the Founding Fathers of our country. But they could not have thought as they did, they could not have drawn this blueprint for American Government had it not been for your great ancestor Plato, or even more for another incomparable thinker of ancient Greece—Aristotle.

These men—Plato and Aristotle—are truly founding fathers of America, in a very real sense. Theirs were the ideas, handed down from ancient Greece, which lie at the heart of the American concept of freedom.

It was your forefathers who pioneered the idea of freedom. It was your forefathers who, 2,500 years ago, built the new frontier against barbarism, and against despotism.

It was your forefathers who literally created the very idea of freedom today as we know it. And the creation of this idea was a kind of miracle.

We have to remember that the ancient Greeks lived in a world which never had known, in all its history, a concept of freedom like the idea they brought into the world. It was an cntirely new idea, a new way of life. There was no tradition of freedom for them to look back to. They had to create the idea, ae it were, out of nothing.

And they created there a new frontier—a frontier between free men, on one side, and, on the other side, men who live in constant fear of their government, whose whole lives are subject to the whim of despots. In all history since then there has continued to be only one real frontier, the frontier of freedom beyond which lies man, helpless before the overwhelming power of government.

How did those astonishing ancestors of yours create this great llberating concept of man? Not only was there no tradition of freedom to teach them this way of life, this concept of man, but they stood near rich and immensely powerful nations whose whole outlook was hostile to the idea of freedom. Egypt at that time had several thousands of years of history as a rich and powerful nation, and the tyranny of the Pharaohs was cruel and absolute. Even the terrible slave labor camps of Soviet Russia are hardly worse than were the enormous gangs of slaves—tens of thousands in number—who were driven to death building the enormous pyramids to satisfy the whims of the Egyptian Pharaohs. These were the neighbors of the Greeks, a hundred times as wealthy and a hundred times more powerful than the Greeks.

And there were the Perelans of that day—a powerful and rich empire ruled by cruel and arbitrary despots. As you know so well, the Persian kings sent a hüge army to conquer the Greeks. .Most of the army was composed of wcll equipped slaves, who were some times driven into battle by whips in the hands of the Persian officers.

All this array of slave power failed. Poor as they were, few in number, as they were, the Greeks had one preclous weapon the Persians lacked. They were free men with a fierce sense of independence, a characteristic which Greeks have never lost. This is the best gift of Greece to Western civilization; the concept of a man as a free citizen.

The whole idea of politics as a subject which could be studied is a Greek invention. No one ever heard of political science before Plato and Aristotle, and no man since has spoken more profoundly on the problems of politics.

It ie to the concept of the free citizen that we owe the possibility of all the other achievements of the Greeks. Now politics I know something about. Now I am not a scholar in the field of Greek ideas, yet who ie there who doee not have some grasp of the breadth and significance of our debt to Greece?

Every school boy knows something of this debt. Yet, somtimes reformers with ideas they believe are new, or scientists in love with some new scientific development are tempted to forget the source of almost all the ideas.

We are often tempted to think of our civilization as having hit peaks of development unheard of in the past. The atom seems like something new. How many remember that the word "atom" is a Greek word and that the idea of the world as being constructed basically of atoms was originated by a Greek—Democritus, by name—several thousand years ago.

It was this concept of the atom combined with modern mathematics which created this new atomic age we live in. But the very word "mathematics" is also a Greek word, and most of the basic mathematics we

now have was originated and thought through 2,000 years ago by Greeks.

"Geometry" is another Greek word. Who can think of basic mathematics without following in the footsteps of Euclid?

In a word, the really hard basic thinking which created the possibility of the modern world of atomic physics was done by the Greeks long ago. We moderns have only taken a few steps beyond the giant strides of those men. Our whole world of technology is unthinkable, is clearly impossible without the astonishing creative thinking of the Greeks. These powerful rockets that soar into space, all the complicated machinery of modern living are only rather ingenious developments flowing from the astounding intellectual creations of Greece. Without Greece, they would not exist.

What about philosophy—except for religion, the only serious and profound attempt to penetrate and explain the meaning of human existence? Again, the word "philosophy" is a Greek word. As you know, the word means love of wisdom. Sometime ago I was reading on an airplane—that's where I get most of my reading done—and I was reading some comments by Professor Whitehead, whom many have called the most distinguished modern philosopher. Whitehead's comment that stayed in my mind was this: "All modern philosophy is only a series of footnotes to Plato."

Now some of our modern thinkers would have us believe their ideas are very original, very novel. These people are, to put it very simply, ignorant of history. They don't know that many of their notions are nothing more than pale and distorted reflections of past ideas, many of which were discarded as trivial or unsound by the giants of the past.

The very writing of history itself—as we know it today—was an invention of the Greeks, Herodotus and Thucydides were as you all know so well the first great historians. Even today Thucydides stands as a giant among modern writers of history.

Now what are we to say about a nation like the Greeks who create a great cultural innovation like the writing of history, and who, almost simultaneous with the first efforts in the field, produce histories of such astounding excellence that we are still stumbling behind them 2,000 years later. What histories are being written today that we dare compare with Thucydides for sheer dramatic power, such a devotion to truth, such a determined objectivity. Thucydides wrote history on a broad canvas with a generosity of spirit and a grandeur of vision which is almost inconceivable in our own age.

Anyone suffering from the illusion that ours is a great age and that our modern ideas constitute the last step in progress could regain some objectivity and a proper sense of humility by studying Thucydides, one of the great Greeks.

It would be possible to go on for far more time than I have today, reviewing the magnitude, the astonishing creations of the Greeks. Who is not acquainted with the greatness of Greek architecture, of Greek art? Has ever a more distinguished, more beautiful or a more appropriate building been conceived than the Parthenon?

Almost all the important buildings in Washington are built in the Greek style. What beauty there is in the Capitol Building in Washington, and the White House—the dignity and serenity, the essential seriousness, the sense of order—these characteristics are Greek, and Greek alone. They represent the great tradition of Western civilization, the heart and core of the ideals that motivate us the atmosphere of rationality which remains even in the midst of temporary disorder. These ideals, this tradition, this rationality remain so powerful that they can survive even the constant barrage of reforms, the small revolutions proposed by small minds, the disorder promoted by modern day reformers who keep proposing as "bold" new concepts many of the same notions which were long ago consigned to the trash barrel of history.

When I stand and gaze at the great Parthenon up there against the sky, on the escarpment overlooking Athens I know what the word "bold" means. To understand what has happened to us, you need to do more than study the use of the term "bold" in the hands of mediocre modern reformers. No notion is now so trivial that a modern reformer will not describe it as a "bold new idea" or a "bold new plan." Among pygmies even the smallest things look big. Among those who think history began yesterday, everything is new.

To get a perspective on the prevailing style of today nothing is more salutary than to study the art of the Greeks. It is only necessary to place a great sculpture from the high period of Greek achievement against almost any modern sculpture. The humanity of the Greek is almost inevitably in sharp contrast with the inhuman modern concept. The Greek serenity, the Greek balance and repose, the Greek rationality, the inherent sense of human dignity stands sharply against the confusion and distortion, the tangled emotions, the cult of the ugly and commonplace which is so often characteristic of modern art.

And the theater. We could never leave a discussion of the Greek tradition without a view of the grandeur and magnificence of the Greek theater. Here, again, we are in the presence of a grest invention of the Greek imagination.

In the Greek theater the whole community gathered to view a spectacle of the highest significance. In the great tragedies, the Greeks beheld a spectacle in which the most profound human emotions were plumbed and all against a cosmic background that strangely did not dwarf the actors but caused them instead to rise to heroic heights which would be inconceivable on the modern stage. There was an air of greatness about the Greek theater which not only represented in truth the Greek view of man and the universe but reflected back upon the audience and taught them that greatness was possible even in the face of inevitable evil, even in the face of a monstrous and absolutely terrifying fate. The Greek theater was made by men who drew the breath of greatness; the Greek theater was created by men who knew greatness and who taught men how it was to be great. Even their comedies shared in this sense of greatness. In the midst of even the wildest and most whimsical comedy there remained that breath of greatness and of freedom.

It is no surprise that the greatest writer of Greek comedy—Aristophanes—was also profoundly conservative.

I wonder what he would have said about the humorless and self-righteous professional reformers of today? I wonder what he would have said about their cult of the common or mediocre man?

Unless there is a belief in the potential greatness of man, there can no longer be tragedy; there can be only melodrama. When man becomes trivial, tragedy becomes ludicrous. What is more, comedy also becomes a trifling thing—at best witty and clever, never carry with it hints of the grandeur and depth of the tragic vision which must serve as the necessary vital contrast for truly great comedy.

I do not believe, in our present social state, dominated as it is by a trivial conception of man—dominated as it is by supercial reformers who expect to save and to protect and to remake man through government action—I do not believe that either great tragedy or great comedy is possible in such an environment.

Your ancestors once showed us what man could be. Your ancestors in the concept of theater gave us a model of greatness against which to measure the treater, for all time.

And what of the modern theater?

Have you looked at your Tv set lately?

What wallowing in self-pity. What vast and contorted expressions of emotion over trifling problems. What meaningless violence and meaningless sex.

Comedy has become "wisecracks." Very clever, sometimes even very witty. But the background of greatness is not there, so the savor, the depth of contrast, is gone. The surprise, the fast switch, the shock have taken its place.

Your ancestors would look upon us with pity. To them, we would be truly barbarians.

We who call ourselves conservatives have only the most profound respect for this great Greek tradition, whether it be the art of government, or in science or mathematics, whether in architecture or sculpture, or in philosophy, or in history, or in the art of the theater. I have no time to talk of the magnicence of Greek poetry, or the handicrafts, or of the creation of the great sciences of botany and zoology. All these you know so well.

We conservatives do not believe that history began yesterday. We do not believe that anything over 30 years old is necessarily "horse and buggy," and ought therefore to be discarded. We conservatives do not believe that something is good just because some think it is new, or that it is obsolete just because some say it is old.

We believe that what wisdom we may have is the product of the thought and work of many, many generations. If we stand high at all, we gain this height, we believe, because we stand on the shoulders of past generations.

We ask only that the wisdom of the past be brought to bear also on today's problems. We ask only that reformers read some history, and that they have a decent respect for our forefathers and our great traditions.

We conservatives ask for an end to the cynical, cocksure attitudes of reformers who describe any ideas inherited from the past as horse and buggy.

In a word, we conservatives believe there is something great and something valuable to be conserved from the past. We do not believe we were born yesterday.

We conservatives believe that Americans of Greek ancestry have a special character. They are bearers of a special trust.

All of us who live in the Western World owe a profound, immeasurable debt to your forefathers. But you, the direct descendants of the men who created so much of the basis of our whole civilization—you have in your very blood, in the very fiber of your brains and nervous systems, the germ of that greatness.

The heroic stand of modern Greeks against the Nazis and then against the Communists showed the world that the spirit of ancient Greece still lives today in the Greeks of modern times.

You are conservatives. You have conserved from your ancestors that tradition of fierce independence—that concept of the greatness of man—which we conservatives of the modern world treasure as a priceless possession.

I am a conservative, and I feel at home here.

It has been a great honor for me to be here with you, the sons and daughters of the magnificent Greek tradition: The tradition which is now an essential and central element in the America which is also yours and mine.

SILVER DOLLARS: THEIR SCARCITY AND THEIR APPEAL

Mr. SIMPSON. Mr. President, the intriguing nature of the silver dollar—the only kind that you can "roll along the ground, and it will roll because it is round," in the words of a famous western ballad—is aptly illustrated by an incident July 22 in Jackson, Wyo. The Jackson State Bank celebrated its golden jubilee by giving out silver dollars. Jackson is a town of 1,440 people, but in less than 25 minutes, the bank found takers for 6,000 silver dollars and the bank's supply of "cartwheels" is now completely exhausted.

The Jackson Hole Guide reports that the line for the coins "started forming before 8:00 Wednesday morning, and by the time the bank doors were opened at 9:00, there were several hundred people standing in line. Some were local residents who requested up to their limit—$100—and others were tourists wanting only one of two "cartwheels" for souvenirs.

One man brought a fishing creel to carry his dollars in. Women brought their biggest handbags. Shows how popular silver dollars are.

The silver dollar is more than a means of barter and exchange in the Western States. It is virtually an institution. The idea of hard money in one's pocket is identified with a hard conservative fiscal policy synonomous with spending only what is at hand to be spent, and exercising fiscal restraint and prudence.

Recent action of the Senate Banking and Currency Committee in reporting favorably a bill to freeze the 1964 date on all new coins was applauded in Wyoming, for the people of my State are cognizant of the deleterious effect that the hoarding of coins by speculators has on the availability of currency for its bona fide purpose—the facilitation of trade.

Twenty years ago the silver dollar was as common in the West as its paper counterpart is in the East today; but, unfortunately, Jackson, Wyo., is not the only western municipality finding itself bereft of silver dollars.

Plans to raise the annual minting capacity from 4.3 to 9 billion coins by next July, augmented by passage of a $600,000 appropriate for the minting of a new run of silver dollars presumably all bearing the 1964 date, should go a long way toward alleviating the shortage of silver dollars throughout the West.

I am pleased to note that even my favorite TV performer, Mitch Miller, has rallied to the cause. With his beard a-bobin' Saturday night, his sing-along chorus filled the airways with the chorus of the western ballad to which I alluded a moment ago:

Oh, you can roll a silver dollar all along the ground, and it will roll because it is round.

Mr. President, as an indication of the importance of silver dollars and the severity of the shortage of these coins, I ask unanimous consent that the full text of the dispatch from the July 23 Jackson Hole Guide and an editorial from the Washington Evening Star of July 30 be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Jackson Hole Guide, July 23, 1964]

BANK RELEASES 6,000 SILVER DOLLARS WEDNESDAY

The Jackson State Bank gave out over 6,000 silver dollars in 23 minutes Wednesday morning, and their supply is now completely exhausted.

The remaining silver dollars in the bank were released at face value to first comers in observance of the 50th anniversary of the bank. The line started forming before 8 o'clock Wednesday morning, and by the time the bank doors were opened at 9 o'clock there were several hundred people standing in line.

Some were local residents who requested up to their limit ($100), and others were tourists wanting only one or two cartwheels for souvenirs.

One man brought a fishing creel to carry his dollars in. Women brought their biggest handbags.

Shows how popular silver dollars are.

In addition to the silver dollars the bank gave out momentos all day Wednesday to visitors who stopped in at their Golden Jubilee.

Over 600 people visited the bank during regular hours on Wednesday.

[From the Washington Star, July 30, 1964]

FOILING THE COIN SPECULATORS

Every small boy has the urge at one time or another to tuck an old Indianhead penny into a secret hiding place, hopefully, on the theory that it may some day bring a king's ransom. A good many grown-ups never shed the coin-collecting instinct, finding it makes a pleasant, harmless hobby, and the Treasury has no quarrel with them.

But as in so many other fields of endeavor, the speculators have moved in. Each year as the new annual minting begins, they rush to buy up the coins by the basketfull, then hoard them against a future price from hobbyists. The result has aggravated a nationwide shortage of coins, and the Treasury reports a huge number of 1964's have been immobilized. So there aren't enough coins for normal business.

To relieve the situation, the Senate Banking Committee has approved a bill allowing the mint to keep printing "1964" on coins next year. The purpose of this unorthodox step is to make the present date so plentiful an issue that its numismatic value will vanish, prompting speculators to unload their hoards. Officials hope as much as a billion coins will thereby come back into circulation.

In the meantime, new coin presses will raise annual minting capacity from 4.3 to 9 billion coins by next July. The increased production should offset any future shortage based on speculation, and presumably authorities will begin printing the 1965 date around midyear.

But if these measures fail, the Treasury should impose tight quotas in distribution of new silver. The function of money is to facilitate trade, not to encourage speculators.

LAND-GRANT COLLEGES—A MOST POPULAR EXPORT

Mr. CARLSON. Mr. President, the enormously productive agriculture of the United States today rests directly upon the research and educational effectiveness of the land-grant colleges and universities and the Department of Agriculture.

Land-grant colleges form the heart of the Nation's amazing system of farm research and extension education which put the results of experiments to use. The results of this research has been most impressive when we realize that 1 American farmworker produces enough food for himself and 29 other persons.

In view of this splendid record of achievement through the land-grant colleges, the question is often asked: Why should not the country's land-grant colleges enlarge upon their horizons to include rural development elsewhere in a hungry world?

The record shows that these land-grant colleges are already carrying on extensive programs for the improvement of land use and the increase of food production in many of the underdeveloped countries in the world.

Kansas State University at Manhattan, Kans., was the first land-grant college in the Nation to be created by legislative act. This institution has for many years carried on extensive programs in India and other areas of the world through the AID program for the improvement and expansion of agriculture. It is a record of which we are all proud. I can think of no field in the foreign aid program which has more possibilities than the continued expansion of this type of work.

This week, representatives of land-grant colleges gathered in Washington to discuss ways of teaching agricultural know-how in other countries of the world.

All of these 119 schools are conducting research and training foreign aid specialists for the Agency of International Development.

The program is geared to advise farmers and to help solve farm problems on a countrywide scale.

AID has nearly 252 contracts with land-grant colleges to train personnel to solve problems in rural development.

Recently the Washington Post published an editorial entitled "Most Popular Export," and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MOST POPULAR EXPORT

If any American experiment has succeeded with a vengeance, it is the land-grant college. Created by the Morrill Act of 1862, land-grant colleges were intended to help America harvest an abundance of food. Our chronic farm surpluses amply testify to the success of this Federal help for agricultural education. Why shouldn't the country's land-grant colleges enlarge their horizons to include rural development elsewhere in a hungry world?

We asked this question in an editorial 2 years ago observing the centennial of the Morrill Act, and it is a pleasure to note that just such a development is taking place. During this week, more than a score of State university presidents have been attending an International Rural Development Conference at the State Department. The gathering reflects the fact that more than 100 American universities have up to $200 million in contracts from the AID agency, mainly in the field of agriculture.

AID Administrator David Bell cited the work of North Carolina State and Iowa State Universities as examples of the broadening involvement of land-grant schools in foreign aid. Iowa State is helping the Peruvian Government to shape a national rural development plan, giving special emphasis to land tenure problems. North Carolina has staff members working at the National Agricul-

tural University in La Molina and in a half-dozen other cities assisting Peru in developing a combined program of farm education and research.

What is especially admirable about such programs is that they enroll the energies of nongovernmental institutions in the tasks of foreign aid. The size and scope of these programs has become so broad that one recommendation made at the conference this week was to appoint a full-time representative in Washington of the land-grant colleges in order to work with the AID agency.

As Secretary of Agriculture Freeman emphasized in a speech to the college presidents, the effect of greater farm productivity elsewhere is not to diminish markets for our exports. Instead, experience in Japan and Europe demonstrates that our exports increase as other countries expand their income and their economies.

The University of Wisconsin has the proud slogan that the boundaries of its campus are the boundaries of the State. With the increased participation of land-grant colleges in international rural development, those boundaries are stretching to the remote corners of the world. Both our farm technology and our agricultural schools are among our most obvious assets in the competition with communism. Russell Thackrey, of the Association of Land-Grant Colleges, is quite right in saying that "in all those countries of the free world which are striving for a better life * * * the idea of the land-grant university is America's most popular export."

BUSINESS AND CIVIL RIGHTS

Mr. KUCHEL. Mr. President, the former Secretary of Labor, James Mitchell, is now a distinguished businessman in the State of California. He is senior vice president and director of the Crown Zellerbach Corp. in San Francisco.

On June 5, Mr. Mitchell spoke before the Commonwealth Club of California at the Sheraton-Palace Hotel in his home city. The subject of his excellent address was "Business and Civil Rights."

I have read the speech of Mr. Mitchell, not only with real interest, but with great enthusiasm. The civil rights legislation which Congress recently enacted offers the American people in each of its economic segments a better opportunity to weld together 190 million American citizens.

Mr. Mitchell discussed the problems of education. He discussed the need for American business and industry to work together so that all young people, black and white, will have a greater opportunity to participate in all that this free Republic offers.

I ask unanimous consent that the text of Mr. Mitchell's address entitled "Business and Civil Rights" be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

BUSINESS AND CIVIL RIGHTS

(An address delivered by James P. Mitchell, senior vice president and director, Crown Zellerbach Corp., San Francisco, before the Commonwealth Club of California, Sheraton-Palace Hotel, San Francisco, June 5, 1964)

After considering the issues of the day and expressing his opinion by casting his ballot, the citizen in a democratic society tends to leave their solution to the Government which he elects. But the nature of the civil rights issue is such that it cannot be solved by governmental action alone. It is one which the American people themselves, in their individual and community life, will have to confront and act upon.

I consider that this year is altogether different from our presidential years in the severity of this test to which it puts the American people.

The new civil rights legislation will not dispose of the matter.

It may, in some ways actually aggravate the problem because too many people expect it to cure too much. For those that have these high expectations, disappointment and disillusionment are bound to follow.

Significant though the legal measures are which may strike at the formal patterns of discrimination, the basic challenge is more subtle, because it must be met at the community, the neighborhood and even the personal level. Only by meeting this challenge can we take the affirmative actions which will enable the Negro to utilize, and enjoy, and profit by the rights that the law and the Constitution guarantee.

As a people, we are coming up to a major confrontation on the Negro rights issue for the first time in this century. It is not that the issue has suddenly materialized, for indeed it has always been with us under the surface; only in the past years has it erupted as the national issue, unmistakable and unavoidable in North and South alike.

For all its liberality and tolerance, both in tradition and in law, California itself is in the midst of the civil rights turmoil. In my opinion, Senator KUCHEL has effectively represented the opinion of this State by his efforts to steer the civil rights bill through the opposition in the Senate. At the State level, Californians are facing what I consider to be a misguided campaign for repeal of the Rumford fair housing act, which will be on the ballot in November. At the metropolitan level, here in San Francisco, we are concerned with the triple crises of housing for Negroes, education and training, and greater job opportunities for Negroes. And for the first time the city has had to give serious consideration to dealing with these questions as a matter of urgent public policy.

Many believe—certainly I do—that the heart of the matter here is economic. The Federal civil rights bill will secure for the Negro in California few if any safeguards that he does not already enjoy in the State. Here he votes, here he travels, here he obtains lodging and meals, here he shops for goods and services without hindrance. What he lacks, what he wants, what he must be given the opportunity to get, is employment and a higher standard of living. From a practical standpoint, employment is difficult to legislate, unless we refer to the expansion of government operations as a whole. Employment in the private sector, which is the real underpinning of our economy, cannot be legislated at all. And so the sit-ins, the picketings, the mass demonstrations of Negro action groups are not conducted at city hall or in Sacramento, but in and around the premises of private employers, as we saw last March in the corridors of this very hotel.

Something is happening that is new in our experience. It is, of course, unpleasant and uncomfortable to be the object of direct political action, especially if you're not accustomed to it and consider it unwarranted and unfair in the first place.

Yet if we become too much preoccupied with the rights and wrongs of shopins, lie-ins, sit-ins, and now the new tactic we have seen at the Bank of America of nickel-and-dime-ins, we shall lose sight of the major problem which is to create more jobs and provide real opportunities for Negroes.

At present there are about 21 million Negroes in the United States, or 10.8 percent of the total population. The Negro portion of the population will undoubtedly increase for two reasons: the gap between the death rates for whites and Negroes will be reduced; while the birth rates for Negroes will in all probability continue to be higher than those for whites, with the likelihood that by 1980 the Negro population will have risen to 30 million, or about 12 percent of the total population.

As far as we can see, this is no less the prospect for California and the San Francisco Bay area than for the rest of the country: there will be a continuing increase in the Negro population here and, along with it, an increase in the problem of "inherited unemployment" from which the Negro suffers.

By "inherited unemployment" I mean that you have a second generation of Negro youth coming along who have been raised in families that have never had a job—families which, of necessity, must plan their economic future on the basis of public welfare.

We must realize, too, that this problem of Negro unemployment is taking place in the context of a rising unemployment trend for all the work force, white and black.

No matter what administration is in power, we shall increasingly confront this challenge: How in the face of defense cutbacks, in the face of changes in the composition and skills of the work force, in the face of disappearing low-skill jobs, can we bring about accelerated employment for Negroes.

Our response may well determine whether we shall have local and regional explosions of racial tension and even violence in the streets, or achieve a peaceful and equitable adaptation to the situation.

The NAACP and CORE and ad hoc committees are leading, and doubtless will continue to lead, demonstrations in the streets. Where these demonstrations consist of orderly picketing that creates no disturbance of the peace, where they are based on a factual determination of a failure by the employer within the limits of his ability to seek an accommodation of the needs of the Negroes for employment, I don't see how we can deny that these methods of protest are legitimate and acceptable. Who can blame Negroes for their burning desire to keep their cause alive and in the forefront of the public, which all too easily could subside into apathy if the pressure is not maintained?

At the same time, I join those who deplore and object to the militant, extremist tactics of deliberate violation of the laws protecting the public peace and safety. Where demonstrations of civil disobedience slop over into actions that cause the necessity of mass arrests and arouse widespread public resentment, the progress of Negro rights is harmed and retarded.

Nothing could be worse for the stability of our society in the long run than a continuation of the calculated flouting of the authority of the courts that we have seen lately.

Yet I feel strongly that the only way to contain the extremists in these situations is for the white community to give its support to moderate leaders of the Negro community in their appeal for action.

It is up to the business and industrial leadership of the country, of the State, of the community to take the lead in changing the economic status of American Negroes and adjusting the scales of economic and social imbalance.

A company can say the right things—most of our industries in the North and West are saying all the right things—but an extra effort beyond policy statements on nondiscrimination is required. Concrete programs of recruiting, hiring, and training need to be carried out. In this we must go beyond opening the door on lower paid jobs; we must find positions for Negroes on the managerial ladder.

Now business is not organized philanthropy, even though individual businessmen may be philanthropic. Nor is anyone close to this problem suggesting that business take over the functions that lawfully belong in

the field of public welfare. But business, as a rule, does not have much contact with the Negro community. It has no organized way of learning whether qualified candidates are available who could make a solid and lasting contribution to the success of the enterprise. But the will to do something is unmistakably there.

I have had conversations with the top men in industries having the largest payrolls in San Francisco. I find a disposition among them to accept the proposition that they should take the lead in opening up jobs to Negroes, not only to prevent militant extremists from exploiting resentment and deadlock, but because it is morally and socially right to do so. They have good will and understanding for the Negroes' aims toward self-betterment. They are ready to work at closing the gap which exists between the state of Negro education and training and the requirements of the labor market. They are ready to do this within the economic realities of running a business organization, with full recognition of the larger social objective involved.

At management levels where hiring responsibilities are centered, there is a basic conviction in favor of totally nondiscriminatory policies. Perhaps you have heard of the recent report on this question by the Anti-Defamation League of B'nai B'rith which says: "It is obvious that American industrial leaders today are much more conscious of their public responsibility than is generally thought. Despite misgivings about picketing, sitins and demonstrations, efforts by civil rights groups have made executives aware that industry cannot prosper in an atmosphere of conflict."

The report goes on to say that while industrial leaders are not talking about it publicly, the concept of more aggressive hiring of nonwhite workers is gaining increasing acceptance among major corporations.

This sounding of executives was taken in 55 American companies. It supports my belief that the great majority of large industrial employers have accepted an affirmative and positive responsibility for Negro employment. This is not merely vague and generalized good will. The responsibility can be expressed in concrete terms along the following lines:

First, freedom from racial or religious discrimination in employment is a civil right to which minority group members are justly entitled under existing law in many States and under prospective Federal law. It is a private, as well as a public, responsibility to secure this freedom.

Second, nondiscrimination should be a fixed and unequivocal policy in recruiting, interviewing, evaluating, hiring, training, and promoting qualified employees, from bottom to top.

Third, employers should do all they can to open the door to employment for Negroes and members of other minority groups at the levels for which they are qualified, and to train them for advancement on the same basis as all other employees.

Fourth, employers should apply merit employment principles to all the terms, conditions, and benefits of employment. This means that merit, ability, and work performance of minority group members will earn them equal consideration with other employees in decisions on promotion, layoff and recall and discharge.

Fifth, employers should give Negro employees special consideration for access to training and apprenticeship programs.

The five principles which I have just outlined are actually embodied in many employer codes, such as that of the Federated Employers of the bay area here in San Francisco. I am not, therefore, suggesting anything unprecedented or novel to businessmen and industrial executives. Indeed, these represent the minimum obligation that an employer should be willing to accept.

But let us assume that all this is subscribed to. There remains the tremendous problem of finding Negroes who are qualified to fill job openings.

Automation, by reducing the need for unskilled and semiskilled jobs, is bringing about a continuous revision of job qualifications. As these technological changes take effect, it is estimated that as many as half of our high school graduates, Negro and white, will find it increasingly difficult to get employment.

Intensive searching among these high school trained youth may yield a modest inventory of employable Negro skills. But all the recruiting in the world, I fear, will come up short of finding, and placing, qualified Negroes in jobs to the extent that is required if real and substantial progress is to be made in bettering the economic status of Negroes in urban employment. Therefore the conclusion has been reached, not alone by organizations involved in the Negro struggle, but by many students of this critical problem, that the only way out of the vicious circle is to begin to hire what I would call "qualifiable" Negroes and train them on the job.

Unless industry is prepared to help him, the average young Negro coming into the job market today, untrained or partially trained, cannot hope to survive the declining economic demand for low skills—or no skills.

To acquire skills, he must first have a chance to acquire schooling, training and experience. Schooling of course comes first. What are the young Negroes' chances of fully benefiting from it when he comes from a slum home? In this atmosphere of "cultural deprivation" we hear so much about, the chances that he can move out of the ranks of the unemployed are far from good.

But let us say he overcomes these common handicaps and finishes high school. At present there is no really effective link between the school from which he graduates and the labor market. A blank wall of the white man's job world faces the young Negro. He is almost totally cut off from hope of apprenticeship to a skilled trade. Few unions go out of their way to qualify Negroes for craft skills, and some are indifferent if not hostile to their entry.

Caught in this corner, Negro youth can hardly be blamed if it despairs, loses hope, and marches with smoldering resentment in street demonstrations. Yet, as we know, the demonstration can have a self-defeating effect and make the circle of Negro unemployment even more vicious than it is. If they will, employers can show the way out of the corner. Some members of the business community are ready to help the Negro who is behind in the competition for jobs; the concept of aggressive hiring is gaining ground; indeed, wisdom suggests that the cost of ignoring the problem of Negro employment may prove in the end to be considerably greater than the cost of doing something about it.

It is surely not inconceivable that private employers should say to unqualified workers, both white and nonwhite: "If you have the aptitude but lack the skills, we'll train you." The idea of on-the-job training for the qualifiable workers is more acceptable when it is offered to all. But as it goes on, more Negroes than whites will be picked up in the process.

I think we ought, however, to note a difference between the voluntary act of hiring Negroes to qualify them for employment and the involuntary process of fixed-quota employment. Setting fixed quotas is a frequent demand of Negro acitonists; but I feel that it is unsound; it is a negation of the concept we are trying to enlarge, that a man and his skills are valuable for what they are, without regard to his color. Employers should not be expected to capitulate to the pressure for what has been called racism in reverse, and I am sure they will not do so.

In the 1930's, there began a necessary and reasonable movement of workers, backed by law, to acquire job security through union organization. Wherever industry resisted this effort, it only succeeded in strengthening and toughening trade union strength. While the situations may not be parallel, industry should not commit the same mistake now of failing to make an accommodation with the unorganized, but organizable, strength of the Negro minority.

And what about the unions?

Some have done an acceptable, some an excellent job of opening their membership and job opportunities to Negroes. Others have a long history of discrimination, and today find themselves trapped in this situation: with a limited number of jobs available, the white members of a predominantly white union will fight tenaciously to preserve their seniority rights to jobs by keeping Negroes out.

Because of this past experience, it is going to be difficult for unions that discriminate to remedy their errors, unless more jobs are created. But to the extent possible it must be done. The community should intensify the pressure of opinion to bring about the abolition of this insidious and unjustifiable racial discrimination.

Given the competition for union-controlled employment, given the competition among employers to keep up efficiency in order to maintain profits at satisfactory levels, our economic system must nevertheless develop approaches to the attack on the problem of Negro employment.

In spite of the militancy of some pressure groups, in spite of the lack of skills among many Negro job applicants, in the face of the Negro's handicaps arising from inherited unemployment, American business, California business, San Francisco Bay area business cannot say that this is too tough a job. Businessmen are in a more influential position than any other group to build the confidence and faith of Negroes in the equity and justice of our society, which white and black inseparably share. It is an opportunity to be seized. It could be a supreme contribution to our national life and character. The light of America, darkened by the racial cloud, would brighten and shine more brilliant than ever.

Our economic system is capable of this. We are under the world's unforgiving observation. We have arrived at a conjuncture of time and circumstance in which it is possible to proceed to the liquidation of this problem.

THE GOLDEN ANNIVERSARY OF THE AMALGAMATED CLOTHING WORKERS OF AMERICA, AFL-CIO

Mr. KUCHEL. Mr. President, the year 1964 marks the golden anniversary of the founding of the Amalgamated Clothing Workers of America, AFL-CIO. I am happy to acknowledge this landmark in American labor history and pay tribute to the members of the Amalgamated—both past and present—who helped make it the fine union it is today.

To recall the grim conditions facing the average garment worker when this union was founded in 1914 is to realize the great debt we all owe to this vigorous organization. In a most dramatic half century of labor progress, the Amalgamated succeeded in raising the average garment worker from the humiliating degradation of the sweatshop to the place he or she now holds today as a

vigorous and dignified member of the community.

There are many major areas of labor welfare in which the Amalgamated pioneered. It was one of the first unions to launch cooperative housing projects, the first one being constructed in 1926. Since that time the union has constructed four major low-cost cooperative housing projects, costing $60 million, and owned jointly by 5,000 tenant-cooperators.

The Amalgamated was also one of the first unions to establish a labor bank. During 1922 and 1923 it opened the Amalgamated Savings & Trust Co. of Chicago and the Amalgamated Bank of New York. Both institutions were designed as "workers' bank," offering low-cost loans, transmission of money overseas, and bank hours adjusted to workers' schedules.

Another first for the Amalgamated was the establishment of clinics throughout the country to provide low-cost medical care to thousands of its members and their families. Amalgamated members and their employers also contribute to an unemployment fund which anticipated the Federal Social Security Act and Federal unemployment insurance by a dozen years.

In addition to its great contributions to worker welfare, the Amalgamated has also pioneered in the field of amicable union-management relationships. One evidence of the effectiveness of this policy is the fact that relations between the union and one of its major employers have not been marred by a strike in the entire 50 years the union has been in existence. The Amalgamated has made it official policy to comprehend the needs of management as well as the needs of its own members.

The 50-year history of the Amalgamated Clothing Workers of America symbolizes the ability of our democracy to produce lively and meaningful organizations which serve well the needs of our people. The members of the Amalgamated can truly be proud of their first half century of existence. I wish this great American union many more years of continued service, both to its own membership and to the American people as a whole.

BUSINESS OUTLOOK—ECONOMIC SUCCESS IS POSTWAR VICTORY

Mr. HUMPHREY. Mr. President, recently I noticed an article in one of our leading newspapers of the Midwest, the Minneapolis Morning Tribune, entitled, "Economic Success Is Postwar Victory." The article is by Mr. J. A. Livingston, a respected and noted columnist and writer in the field of economics.

I call it to the attention of the Senate because in days when so many people are telling us of the phenomenal success of the Communist bloc—or, should I say, the alleged phenomenal successes of the Communist bloc—it is good to know the facts in reference to the achievements of the American free enterprise system and of our own economic society. Mr. Livingston says in the opening paragraphs:

In the postwar struggle against communism, the United States has gained an unrecorded, unnoticed victory—a victory which, if our luck holds, eventually will find its way into long and fateful passages in political histories.

A review of the cold war brings immediately to mind military or political successes, such as the rollback of Communist Party strength in France and Italy, the ouster of Communists from Greece, the Berlin airlift, and the Cuban blockade.

More telling, but less dramatic, is our economic achievement at home, an achievement for which all of us can take a bow. We have proved the lie of Marxist dogma by making a mockery of predictions by Communist economists that depression-prone capitalism would take another header in the United States after World War II.

Mr. President, I consider this to be one of the most telling and revealing statements relating to the contest between the two societies—the Communist society and the democratic society—that I have ever read. I thought it sufficiently significant so that I would like to share it with those who read the CONGRESSIONAL RECORD, and with our colleagues in Congress.

I commend Mr. Livingston for stating succinctly, concisely, and directly the success story of American capitalism, the American free enterprise system, in this trying and crucial postwar period, at a time when we have had world leadership, at a time when we had to share our wealth and energy with peoples all over the world, at a time when we had to face the tremendous challenge of Communist aggression. Nevertheless, during that time of trouble and difficulty, we have achieved the greatest success that the world has ever known. I think it ought to be heralded by the American people, regardless of their political persuasion, vocation, or avocation.

I ask unanimous consent that the article by Mr. J. A. Livingston, published in the Minneapolis Morning Tribune entitled "Business Outlook—Economic Success Is Postwar Victory," may be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUSINESS OUTLOOK—ECONOMIC SUCCESS IS POSTWAR VICTORY

(By J. A. Livingston)

In the postwar struggle against communism, the United States has gained an unrecorded, unnoticed victory—a victory which, if our luck holds, eventually will find its way into long and fateful passages in political histories.

A review of the cold war brings immediately to mind military or political successes, such as the rollback of Communist Party strength in France and Italy; the ouster of Communists from Greece; the Berlin airlift, and the Cuban blockade.

More telling, but less dramatic, is our economic achievement at home, an achievement for which all of us can take a bow. We have proved the lie of Marxist dogma by making a mockery of predictions by Communist economists that depression-prone capitalism would take another header in the United States after World War II.

The success has forced a change in terminology. The bowl-shaped indentations on charts of pre-World War II slumps in America prompted the word "depression." But this description did not suit the saucerlike letdowns since the end of the war.

The National Bureau of Economic Research has analyzed business cycles back to 1854. The average downturn before World War II was 21 months. Since the war, the longest single downturn has lasted but 14 months. The postwar average is only 10 months.

Information on the severity of depressions—percentage drops in industrial production—is not adequate going way back. But we know this: Industrial production in the five depressions between 1920 and the outbreak of World War II declined 27 percent on the average. If the great depression is excluded, the average drop is only 21 percent, but that still exceeds the most severe contraction of the postwar period—14 percent.

To be sure, the expansions—the recoveries from recession—have not always been so long-lasting or so virile as Presidents and Presidential advisers would have liked. The short-lived 1958–60 advance (only 25 months) provided John F. Kennedy, as candidate for President, with his campaign slogan to "get the country moving again."

Nonetheless, the gains have been striking, and the current advance of 41 months is not only well beyond the 30-month long-term average but promises to be the longest peacetime advance in history, even longer than the 1949–53 recovery that was helped along by the Korean war.

PRESIDENT OPTIMISTIC OVER ECONOMY

Mr. HUMPHREY. Mr. President, I ask unanimous consent that an article published in the New York Herald Tribune on July 11, 1964, written by Mr. Tom Lambert, entitled "President Sees Economy Booming, Promises More 'Good News' Soon" and an article published in the Washington Post of July 11, 1964, written by Mr. Laurence Stern, entitled "L.B.J. Paints Rosy View of Economy," be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune, July 11, 1964]

PRESIDENT SEES ECONOMY BOOMING, PROMISES MORE GOOD NEWS SOON

(By Tom Lambert)

WASHINGTON.—President Johnson countered Senator BARRY GOLDWATER'S accusations of fiscal irresponsibility yesterday with a barrage of glowing statistics and statements from experts indicating this country's economy is flourishing.

Mr. Johnson told a hastily summoned news conference in the White House Cabinet Room that he expects to announce more economic "good news" shortly about fiscal year 1964, which ended June 30.

And "as far as the trained eye can see," Mr. Johnson went on happily, the national economy will continue improving into 1965—after the forthcoming presidential election.

Seemingly enjoying the Republicans' current presidential platform and nomination troubles but refusing loftily to try to exacerbate them, the President declined comment on Senator GOLDWATER'S recent remarks that no Republican could oust Mr. Johnson from the White House as of now.

With a twinkling eye and a slow smile, the President said, "I think the Republican Party has enough problems already without my adding to them in any way."

The President was equally unresponsive to several questions about Democratic Party

politics and his running mate on this year's ticket.

Asked if backing by northern big-city Democratic bosses might help Attorney General Robert Kennedy obtain the vice-presidential nomination, the President replied obliquely:

I think the delegates to the convention, after they nominate the President, will act on the vice-presidential nomination, and I plan to make recommendations to them in that connection, as is customary, if I am the nominee." Mr. Johnson evinced no uneasiness that he might not be the nominee.

"I believe the convention will select the man that is available who has the best qualifications to occupy the office of Vice President, and President if he should be called upon to do that," Mr. Johnson continued:

The President said he intended to talk yesterday with visiting Chicago Mayor Richard Daley, but added that he had no plans to discuss the Vice Presidential nomination with him.

Mr. Johnson was noncommittal when asked if Alabama Gov. George Wallace's "political activity" was more hurtful to the Democrats than the Republicans, or vice versa, saying he has not studied or evaluated Governor Wallace's efforts. However, the President called reporters' attention to a Washington newspaper's assessment that the Alabaman's candidacy is "more damaging to GOLDWATER than to Johnson."

The President devoted a goodly portion of his news conference to a midyear report on the national economy. And as he viewed it, the economy is in fine shape.

Employment is up, with 1.2 million more persons working than 6 months ago, he said, and average weekly earnings in manufacturing hit a new high of $100 in May, up $3.74 over the same month last year.

Incomes and profits are higher today than 1 year ago, he went on, with the average American family of four having gained about $500 of annual income last year, after taxes.

Prices are stable, the President continued, and the public and business community are filled with "calm confidence."

"People know that times are good and getting better and they are responding wisely, investing soundly and showing restraint in price and wage policies," he said in words expected to be heard from many a campaign platform later this year.

Mr. Johnson did not elaborate on the "good news" he hopes to announce soon about the Government's financial position at the end of fiscal year 1964. Some sources expect him to confirm a recent New York Herald Tribune report that Government spending fell below the official estimate of $98.3 billion and might go as low as $97 billion.

After reeling off his statistics, the President noted that collective bargaining negotiations now are underway in the automobile industry. The outcome can have a "profound impact upon our future price stability," he said, adding he was confident the negotiators will work out a responsible settlement.

Asked to comment on Senator GOLDWATER'S "charges of fiscal irresponsibility in your administration," Mr. Johnson said he did not know precisely what the probable Republican presidential candidate had alleged.

The President then cited with relish a variety of approving comment on the national economy by such persons and organizations as Henry Ford II, the American Bankers' Association, the National Research Bureau, and the Morgan Guaranty Trust Co.

Those commentators, Mr. Johnson remarked, "are in authoritative positions to determine the fiscal responsibility of this administration, without any other motives." He seemed to be implying that Senator GOLDWATER'S accusations were politically motivated.

[From the Washington (D.C.) Post, July 11, 1964]

L.B.J. PAINTS ROSY VIEW OF ECONOMY: "TIMES ARE GOOD—AND GETTING BETTER," PRESIDENT SAYS

(By Laurence Stern)

President Johnson painted a rosy picture yesterday of a national economy that he said will continue to boom "as far as the trained eye can see into 1965."

In his first formal press conference since June 23, the President laid heavy stress on midyear indicators showing that employment, profits, wages, and dividends were surging ahead under his administration.

"People know that times are good and that they are getting better * * *" the President observed in the course of the impromptu conference, from which he strained out any overtly political comment.

Not only did he decline to be drawn into a discussion of his prospective vice presidential running mate, but he even refrained from talking about the divisions afflicting the Republican Party in San Francisco.

ENOUGH PROBLEMS

"I think the Republican Party has enough problems without my adding to them in any way," he said.

The news conference was held in the Cabinet Room immediately after Mr. Johnson presented the Distinguished Service Medal to Adm. Harry D. Felt, recently retired as U.S. commander in the Pacific.

Only in one instance did the President allow himself to be drawn into a remotely partisan exchange. This was when he was asked whether he had any comment on Senator BARRY GOLDWATER'S charge that the administration is fiscally irresponsible.

Mr. Johnson seemed unusually well prepared for the question. He replied that he didn't know what GOLDWATER may have said.

But then he reeled off a list of laudatory comments on his fiscal policies by the American Bankers Association, Henry Ford, the Wall Street Journal, the National Research Bureau, Financial Columnist Sylvia Porter, the Morgan Guaranty Trust Co., and the New York Times.

SIDESTEPS ON WALLACE

The President archly brushed aside a question about whether he thought the candidacy of Alabama Gov. George C. Wallace would do more damage to the Republicans or Democrats.

"I am not in the polling business," said the President, "but I did, I believe, read this morning a poll on the front page of the Washington paper, and I think there is a copy there in my office that you can see."

He was referring to a Louis Harris poll indicating that Wallace's candidacy would draw more votes away from Senator GOLDWATER than from Mr. Johnson in the general election.

ASKED ABOUT BAKER

Asked for comment on the Senate Rules Committee report on the Bobby Baker investigation, the President said only that "it will be read and thoroughly considered and such action as the Senate feels justified will be taken." After the news conference, however, a White House press aid circulated through the press quarters to find out which reporter had asked the question.

The President also served notice to automobile industry and union negotiators that he would like them to achieve a noninflationary agreement without Government intervention.

In his rosy review of midyear economic prospects the President dropped some new statistics and a good many old ones.

REPORTS SALES SPURT

He did disclose that retail sales in June held to the strong May rate and were 6.2 percent above last year's levels. Sales during the week ending July 4, he said, spurted 11 percent above the comparable period last year.

During the past year, he said, a family of four gained about $500 in annual income after taxes—a rate which he noted was matched only once in peacetime history, in 1948.

Mr. Johnson praised the House for its efficiency and speed in completing action on the regular 1965 money bills. He also noted that his requests were cut by less than half as much as the budget submitted last year by President Kennedy.

The current cuts of 3 percent, said the President, come as "welcome confirmation of our belief back in January that we were submitting a budget that would be hard to cut."

LEGISLATIVE APPORTIONMENT CASES

Mr. ERVIN. Mr. President, those of us who believe that the Supreme Court should interpret; that is, ascertain the meaning of the Constitution, rather than amend it; that is, change its meaning, were much disturbed by the decisions of the majority of the Court in Reynolds against Sims and the other legislative apportionment cases—12 L. Ed. 2d 506—decided on June 15, 1964.

One of the ablest constitutional lawyers who has ever adorned the Court, Justice John M. Harlan, wrote a dissenting opinion in these cases, which sets forth in cogent and illuminating fashion the grounds for our misgivings. Justice Harlan stated with complete candor "that the vitality of our political system, in which in the last analysis all else depends, is weakened by reliance on the judiciary for political reform" and that "when, in the name of constitutional interpretation, the Court adds something to the Constitution that was deliberately excluded from it, the Court in reality substitutes its view of what should be so for the amending process."

Justice Harlan's dissenting opinion in these cases should receive the thoughtful consideration of all Americans, and especially those Americans who share the view expressed by the great English statesman, William Ewart Gladstone, in these words:

I have always regarded the Constitution as the most remarkable work known to me in modern times to have been produced by the human intellect, at a single stroke (so to speak), in its application to political affairs.

For this reason, I ask unanimous consent that Justice Harlan's dissenting opinion be printed at this point in the body of the RECORD.

There being no objection, the dissenting opinion of Justice Harlan was ordered to be printed in the RECORD, as follows:

Mr. Justice Harlan, dissenting.*

In these cases the Court holds that seats in the legislatures of six States [1] are apportioned

*EDITOR'S NOTE.—This opinion also applies to *WMCA, Inc.* v. *Lomenzo*, (No. 20), p. 568, infra; *Maryland Committee for Fair Representation* v. *Tawes* (No. 29), p. 595, infra; *Davis* v. *Mann* (No. 69), p. 609, infra; *Roman* v. *Sincock* (No. 307), p. 620, infra; and *Lucas* v. *Forty-fourth General Assembly of the State of Colorado* (No. 508), p. 632, infra.

[1] Alabama, Colorado, Delaware, Maryland, New York, Virginia.

in ways that violate the Federal Constitution. Under the Court's ruling it is bound to follow that the legislatures in all but a few of the other 44 States will meet the same fate.[2] These decisions, with *Wesberry* v. *Sanders*, 376 U.S. 1, 11 L. ed. 2d 481, 84 S. Ct. 526, involving congressional districting by the States, and *Gray* v. *Sanders*, 372 U.S. 368, 9 L. ed. 2d 821, 83 S. Ct. 801, relating to elections for statewide office, have the effect of placing basic aspects of State political systems under the pervasive overlordship of the Federal judiciary. Once again,[3] I must register my protest.

PRELIMINARY STATEMENT

Today's holding is that the equal protection clause of the 14th amendment requires every State to structure its legislature so that all the members of each house represent substantially the same number of people; other factors may be given play only to the extent that they do not significantly encroach on this basic population principle. Whatever may be thought of this holding as a piece of political ideology—and even on that score the political history and practices of this country from its earliest beginnings leave wide room for debate (see the dissenting opinion of Frankfurter, J., in *Baker* v. *Carr*, 369 U.S. 186 266, 301-323, 7 L. ed. 2d 663, 714, 734-746, 82 S. Ct. 691)—I think it demonstrable that the 14th amendment does not impose this political tenet on the States or authorize this Court to do so.

The Court's constitutional discussion, found in its opinion in the Alabama cases (Nos. 23, 27, 41, ante, p. 506) and more particularly at pages 527-531 thereof, is remarkable (as, indeed, is that found in the separate opinions of my Brothers Stewart and Clark, ante, pp. 542, 543) for its failure to address itself at all to the 14th amendment as a whole or to the legislative history of the amendment pertinent to the matter at hand. Stripped of aphorisms, the Court's argument boils down to the assertion that petitioners' right to vote has been invidiously "debased" or "diluted" by systems of apportionment which entitle them to vote for fewer legislators than other voters, an assertation which is tied to the equal protection clause only by the constitutionally frail tautology that "equal" means "equal."

Had the Court paused to probe more deeply into the matter, it would have found that the equal protection clause was never intended to inhibit the States in choosing any democratic method they pleased for the apportionment of their legislatures. This is shown by the language of the 14th amendment taken as a whole, by the understanding of those who proposed and ratified it, and by the political practices of the States at the time the amendment was adopted. It is confirmed by numerous State and congressional actions since the adoption of the 14th amendment, and by the common understanding of the amendment as evidenced by subsequent constitutional amendments and decisions of this Court before *Baker* v. *Carr* *supra*, made an abrupt break with the past in 1962.

The failure of the Court to consider any of these matters cannot be excused or explained by any concept of "developing" constitutionalism. It is meaningless to speak of constitutional "development" when both the language and history of the controlling provisions of the Constitution are wholly ignored. Since it can, I think, be shown beyond doubt that State legislative apportionments, as such, are wholly free of constitutional limitations, save such as may be imposed by the Republican Form of Government Clause (Const., art. IV, sec. 4),[4] the Court's action now bringing them within the purview of the 14th amendment amounts to nothing less than an exercise of the amending power by this Court.

So far as the Federal Constitution is concerned, the complaints in these cases should all have been dismissed below for failure to state a cause of action, because what has been alleged or proved shows no violation of any constitutional right.

Before proceeding to my argument it should be observed that nothing done in *Baker* v. *Carr*, *supra*, or in the two cases that followed in its wake, *Gray* v. *Sanders* and *Wesberry* v. *Sanders*, *supra*, from which the Court quotes at some length, forecloses the conclusion which I reach.

Baker decided only that claims such as those made here are within the competence of the Federal courts to adjudicate. Although the Court stated as its conclusion that the allegations of a denial of equal protection presented "a justiciable constitutional cause of action," 369 U.S. at 237, 7 L. Ed. 2d at 697, it is evident from the Court's opinion that it was concerned all but exclusively with justificiability and gave no serious attention to the question whether the equal protection clause touches State legislative apportionments.[5] Neither the opinion of the Court nor any of the concurring opinions considered the relevant text of the 14th amendment or any of the historical materials bearing on that question. None of the materials was briefed or otherwise brought to the Court's attention.[6]

In the Gray case the Court expressly laid aside the applicability to State legislative apportionments of the "one person, one vote" theory there found to require the striking down of the Georgia county unit system. See 372 U.S. at 376, 9 L. ed. 2d at 827, and the concurring opinion of Stewart, J., joined by Clark, J., id., at 381-382, 9 L. ed. 2d at 831.

In Wesberry, involving congressional districting, the decision rested on article I, section 2, of the Constitution. The Court expressly did not reach the arguments put forward concerning the equal protection claues. See 376 U.S. at 8, note 10, 11 L. ed. 2d at 487.

Thus it seems abundantly clear that the Court is entirely free to deal with the cases presently before it in light of materials now called to its attention for the first time. To these I now turn.

I

A. The language of the 14th amendment

The Court relies exclusively on that portion of section 1 of the 14th amendment which provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws," and disregards entirely the significance of section 2, which reads:

"Representatives shall be apportioned among the several States according to their respective numbers counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State."

The amendment is a single text. It was introduced and discussed as such in the reconstruction committee,[7] which reported it to the Congress. It was discussed as a unit in Congress and proposed as a unit to the States,[8] which ratified it as a unit. A proposal to split up the amendment and submit each section to the States as a separate amendment was rejected by the Senate.[9] Whatever one might take to be the application to these cases of the equal protection clause if it stood alone, I am unable to understand the Court's utter disregard of the second section which expressly recognizes the States' power to deny "or in any way" abridge the right of their inhabitants to vote for "the members of the [State] legislature," and its express provision of a remedy for such denial or abridgment. The comprehensive scope of the second section and its particular reference to the State legislatures precludes the suggestion that the first section was intended

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[2] In the Virigina case, *Davis* v. *Mann*, U.S. —, 12 L. Ed. 2d 609, 84 S. Ct. —, the defendants introduced an exhibit prepared by the staff of the Bureau of Public Administration of the University of Virginia in which the Virginia Legislature, now held to be unconstitutionally apportioned, was ranked eighth among the 50 States in "representativeness," with population taken as the basis of representation. The Court notes that before the end of 1962, litigation attacking the apportionment of State legislatures had been instituted in at least 34 States. Ante, p. 524, note 30. See infra, p. 555.

[3] See *Baker* v. *Carr*, 369 U.S. 186, 330, 7 L. Ed. 2d 663, 750, 82 S. Ct. 691, and the dissenting opinion of Frankfurter, J., in which I joined, id., 369 U.S. at 266, 7 L. Ed. 2d at 714; *Gray* v. *Sanders*, 372 U.S. 368, 382, 9 L. Ed. 2d 821, 83 S. Ct. 801; *Wesberry* v. *Sanders*, 376 U.S. 1, 20, 11 L. Ed. 2d 481, 494, 84 S. Ct. 526.

[4] That clause, which manifestly has no bearing on the claims made in these cases, see V. Elliott's Debates on the Adoption of the Federal Constitution (1845), 332-333, could not in any event be the foundation for judicial relief. *Luther* v. *Borden*, 7 How 1, 42-44, 12 L. Ed. 2d 509; Ohio ex rel. *Bryant* v. *Akron Metropolitan Park District*, 281 U.S. 74, 79-80, 74 L. Ed. 710, 715, 50 S. Ct. 228, 66 ALR 1460; *Highland Farms Dairy, Inc.* v. *Agnew*, 300 U.S. 608, 612, L. Ed. 835, 839, 57 S. Ct. 549. In *Baker* v. *Carr*, supra, 369 U.S. at 227, 7 L. Ed. 2d at 691, the Court stated that reliance on the Republican Form of Government Clause "would be futile."

[5] It is fair to say that, beyond discussion of a large number of cases having no relevance to this question, the Court's views on this subject were fully stated in the compass of a single sentence: "Judicial standards under the equal protection clause are well developed and familiar, and it has been open to courts since the enactment of the 14th amendment to determine, if on the particular facts they must, that a discrimination 'reflects *no* policy, but simply arbitrary and capricious action.'" 369 U.S. at 226, 7 L. Ed. 2d at 691.

Except perhaps for the "crazy quilt" doctrine of my Brother Clark, 369 U.S. at 251, 7 L. Ed. 2d at 705, nothing is added to this by any of the concurring opinions, id., at 241, 266, 7 L. Ed. 2d at 700, 713.

[6] The cryptic remands in *Scholle* v. *Hare*, 369 U.S. 429, 8 L. Ed. 2d 1, 82 S. Ct. 916, and *WMCA, Inc.* v. *Simon*, 370 U.S. 190, 8 L. Ed. 430, 82 S. Ct. 1234, on the authority of Baker, had nothing to say on the question now before the Court.

[7] See the Journal of the Committee, reprinted in Kendrick, the Journal of the Joint Committee of Fifteen on Reconstruction (1914), 83-117.

[8] See the debates in Congress, Cong. Globe, 39th Cong., 1st sess., 2459-3149, passim (1866) (hereafter Globe).

[9] Globe 3040.

to have the result reached by the Court today. If indeed the words of the 14th amendment speak for themselves, as the majority's disregard of history seems to imply, they speak as clearly as may be against the construction which the majority puts on them. But we are not limited to the language of the amendment itself.

B. Proposal and ratification of the amendment

The history of the adoption of the 14th amendment provides conclusive evidence that neither those who proposed nor those who ratified the amendment believed that the equal protection clause limited the power of the States to apportion their legislatures as they say fit. Moreover, the history demonstrates that the intention to leave this power undisturbed was deliberate and was widely believed to be essential to the adoption of the amendment.

(i) Proposal of the amendment in Congress: A resolution proposing what became the 14th amendment was reported to both Houses of Congress by the Reconstruction Committee of Fifteen on April 30, 1666.[10] The first two sections of the proposed amendment read:

"SEC. 1. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process or law; nor deny to any person within its jurisdiction the equal protection of the laws.

"SEC. 2. Representatives shall be apportioned among the several States which may be included within this Union, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever, in any State, the elective franchise shall be denied to any portion of its male citizens not less than 21 years of age, or in any way abridged except for participation in rebellion or other crime, the basis of representation in such State shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens not less than 21 years of age." [11]

In the House, Thaddeus Stevens introduced debate on the resolution on May 8. In his opening remarks, Stevens explained why he supported the resolution although it fell "far short" of his wishes:

"I believe it is all that can be obtained in the present state of public opinion. Not only Congress but the several States are to be consulted. Upon a careful survey of the whole ground, we did not believe that 19 of the loyal States could be induced to ratify any proposition more stringent than this." [12]

In explanation of this belief, he asked the House to remember "that 3 months since, and more, the committee reported and the House adopted a proposed amendment fixing the basis of representation in such way as would surely have secured the enfranchisement of every citizen at no distant period," but that proposal had been rejected by the Senate.[13]

He then explained the impact of the first section of the proposed amendment, particularly the equal protection clause.

"This amendment * * * allows Congress to correct the unjust legislation of the States, so far that the law which operates upon one man shall operate equally upon all. Whatever law punishes a white man for a crime shall punish the black man precisely in the same way and to the same degree. Whatever law protects the white man shall afford 'equal' protection to the black man. Whatever means to redress is afforded to one shall be afforded to all. Whatever law allows the white man to testify in court shall allow the man of color to do the same. These are great advantages over their present codes. Now different degrees of punishment are inflicted, not on account of the magnitude of the crime, but according to the color of the skin. Now color disqualifies a man from testifying in courts, or being tried in the same way as white men. I need not enumerate these partial and oppressive laws. Unless the Constitution should restrain them those States will all, I fear, keep up this discrimination, and crush to death the hated freedmen." [14]

He turned next to the second section, which he said he considered "the most important in the article." [15] Its effect, he said, was to fix "the basis of representation in Congress." [16] In unmistakable terms, he recognized the power of a State to withhold the right to vote:

"If any State shall exclude any of her adult male citizens from the elective franchise, or abridge that right, she shall forfeit her right to representation in the same proportion. The effect of this provision will be either to compel the States to grant universal suffrage or so to shear them of their power as to keep them forever in a hopeless minority in the National Government, both legislative and executive." [17]

Closing his discussion of the second section, he noted his dislike for the fact that it allowed "the States to discriminate [with respect to the right to vote] among the same class, and receive proportionate credit in representation." [18]

Toward the end of the debate 3 days later, Mr. Bingham, the author of the first section in the Reconstruction Committee and its leading proponent,[19] concluded his discussion of it with the following:

"Allow me, Mr. Speaker, in passing, to say that this amendment takes from no State any right that ever pertained to it. No State ever had the right under the forms of law or otherwise, to deny to any freeman the equal protection of the laws or to abridge the privileges or immunities of any citizen of the Republic, although many of them have assumed and exercised the power, and that without remedy. The amendment does not give, as the second section shows, the power to Congress of regulating suffrage in the several States." [20]

He immediately continued:

"The second section excludes the conclusion that by the first section suffrage is subjected to congressional law; save, indeed, with this exception, that as the right in the people of each State to a republican government and to choose their Representatives in Congress is of the guarantees of the Constitution, by this amendment a remedy might be given directly for a case supposed by Madison, where treason might change a State government from a republican to a despotic government, and thereby deny suffrage to the people." [21]

He stated at another point in his remarks:

"To be sure we all agree, and the great body of the people of this country agree, and the committee thus far in reporting measures of reconstruction agree, that the exercise of the elective franchise, though it be one of the privileges of a citizen of the Republic, is exclusively under the control of the States." [22]

In the 3 days of debate which separate the opening and closing remarks, both made by members of the reconstruction committee, every speaker on the resolution, with a single doubtful exception,[23] assumed without question that, as Mr. Bingham said, supra, "the second section excludes the conclusion that by the first section suffrage is subjected to congressional law." The assumption was neither inadvertent nor silent. Much of the debate concerned the change in the basis of representation effected by the second section, and the speakers stated repeatedly, in express terms or by unmistakable implication, that the States retained the power to regulate suffrage within their borders. Attached as appendix A hereto are some of those statements. The resolution was adopted by the House without change on May 10.[24]

Debate in the Senate began on May 23, and followed the same pattern. Speaking for the Senate chairman of the Reconstruction committee, who was ill, Senator Howard, also a member of the committee, explained the meaning of the equal protection clause as follows:

"The last two clauses of the first section of the amendment disable a State from depriving not merely a citizen of the United States, but any person, whoever he may be, of life, liberty, or property without due process of law, or from denying to him the equal protection of the laws of the State. This abolishes all class legislation in the States and does away with the injustice of subjecting one caste of persons to a code not applicable to another. It prohibits the hanging of a black man for a crime for which the white man is not to be hanged. It protects the black man in his fundamental rights as a citizen with the same shield which it throws over the white man. Is it not time, Mr. President, that we extend to the black man, I had almost called it the poor privilege of the equal protection of the law?

"But, sir, the first section of the proposed amendment does not give to either of these classes the right of voting. The right of suffrage is not, in law, one of the privileges or immunities thus secured by the Constitutoin. It is merely the creature of law. It has always been regarded in this country as the result of positive local law, not regarded as one of those fundamental rights lying at the basis of all society and without which a people cannot exist except as slaves, subject to a depotism [sic]." [25]

Discussing the second section, he expressed his regret that it did "not recognize the authority of the United States over the

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[10] Globe 2265, 2266.

[11] As reported in the House. Globe 2266. For prior versions of the amendment in the Reconstruction Committee, see Kendrick, op. cit., supra, note 7, 83–117. The work of the Reconstruction Committee is discussed in Kendrick, supra, and Flack, the adoption of the 14th amendment (1908), 55–139, passim.

[12] Globe 2459.

[13] Ibid. Stevens was referring to a proposed amendment to the Constitution which provided that "whenever the elective franchise shall be denied or abridged in any State on account of race or color, all persons therein of such race or color shall be excluded from the basis of representation." Globe 535. It passed the House, id., at 536, but did not muster the necessary two-thirds vote in the Senate, id., at 1289.

[14] Globe 2459.

[15] Ibid.

[16] Ibid.

[17] Ibid.

[18] Globe 2460.

[19] Kendrick, op. cit., supra, note 7, 87, 106; Flack, op. cit., supra, note 11, 60–68, 71.

[20] Globe 2542.

[21] Ibid. It is evident from the context of the reference to a republican government that Bingham did not regard limitations on the right to vote or the denial of the vote to specified categories of individuals as violating the guarantee of a republican form of government.

[22] Ibid.

[23] Representative Rogers, who voted against the resolution, Globe 2545, suggested that the right to vote might be covered by the Privileges and Immunities Clause, Globe 2538. But immediately thereafter he discussed the possibility that the Southern States might "refuse to allow the Negroes to vote." Ibid.

[24] Globe 2545.

[25] Globe 2766.

question of suffrage in the several States at all." [26] He justified the limited purpose of the amendment in this regard as follows:

"But, sir, it is not the question here what will we do; it is not the question what you, or I, or half a dozen other members of the Senate may prefer in respect to colored suffrage; it is not entirely the question what measure we can pass through the two Houses; but the question really is, what will the legislatures of the various States to whom these amendments are to be submitted do in the premises; what is it likely will meet the general approbation of the people who are to elect the legislatures, three-fourths of whom must ratify our propositions before they have the force of constitutional provisions?

"The committee were of opinion that the States are not yet prepared to sanction so fundamental a change as would be the concession of the right of suffrage to the colored race. We may as well state it plainly and fairly, so that there shall be no misunderstanding on the subject. It was our opinion that three-fourths of the States of this Union could not be induced to vote to grant the right of suffrage, even in any degree or under any restriction, to the colored race * * *.

"The second section leaves the right to regulate the elective franchise still with the States, and does not meddle with that right." [27]

There was not in the Senate, as there had been in the House, a closing speech in explanation of the amendment. But because the Senate considered, and finally adopted, several changes in the first and second sections, even more attention was given to the problem of voting rights there than had been given in the House. In the Senate, it was fully understood by everyone that neither the first nor the second section interfered with the right of the States to regulate the elective franchise. Attached as Appendix B hereto are representative statements from the debates to that effect. After having changed the proposed amendment to the form in which it was adopted, the Senate passed the resolution on June 8, 1866.[28] As changed, it passed in the House on June 13.[29]

(ii) Ratification by the "loyal" States: Reports of the debates in the State legislatures on the ratification of the 14th amendment are not generally available.[30] There is, however, compelling indirect evidence. Of the 23 loyal States which ratified the amendment before 1870, 5 had constitutional provisions for apportionment of at least 1 house of their respective legislatures which wholly disregarded the spread of population.[31] Ten more had constitutional provisions which gave primary emphasis to population, but which applied also other principles, such as partial ratios and recognition of political subdivisions, which were intended to favor sparsely settled areas.[32] Can it be seriously contended that the legislatures of these States, almost two-thirds of those concerned, would have ratified an amendment which might render their own States' constitutions unconstitutional?

Nor were these State constitutional provisions merely theoretical. In New Jersey, for example, Cape May County, with a population of 8,349, and Ocean County, with a population of 13,628, each elected 1 State senator, as did Essex and Hudson Counties, with populations of 143,839 and 129,067, respectively.[33] In the house, each county was entitled to 1 representative, which left 39 seats to be apportioned according to population.[34] Since there were 12 counties besides the 2 already mentioned which had populations over 30,000,[35] it is evident that there were serious disproportions in the house also. In New York, each of the 60 counties except Hamilton County was entitled to 1 of the 126 seats in the assembly.[36] This left 69 seats to be distributed among counties the populations of which ranged from 15,420 to 942,292.[37] With 7 more counties having populations over 100,000 and 13 others having populations over 50,000,[38] the disproportion in the assembly was necessarily large. In Vermont, after each county had been allocated 1 senator, there were 16 seats remaining to be distributed among the larger counties.[39] The smallest county had a population of 4,082; the largest had a population of 40,651 and there were 10 other counties with populations over 20,000.[40]

(iii) Ratification by the "reconstructed" States: Each of the 10 "reconstructed" States was required to ratify the 14th amendment before it was readmitted to the Union.[41] The constitution of each was scrutinized in Congress.[42] Debates over readmission were extensive.[43] In at least one instance, the problem of State legislative apportionment was expressly called to the attention of Congress. Objecting to the inclusion of Florida in the act of June 25, 1868, Mr. Farnsworth stated on the floor of the House:

"I might refer to the apportionment of representatives. By this constitution representatives in the Legislature of Florida are apportioned in such a manner as to give to the sparsely populated portions of the State the control of the legislature. The sparsely populated parts of the State are those where there are very few Negroes, the parts inhabited by the white rebels, the men who, coming in from Georgia, Alabama, and other States, control the fortunes of their several counties. By this constitution every county in that State is entitled to a representative. There are in that State counties that have not 30 registered voters; yet, under this constitution, every one of those counties is entitled to a representative in the legislature; while the populous counties are entitled to only one representative each, with

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[26] Ibid.

[27] Ibid.

[28] Globe 3042.

[29] Globe 3149.

[30] Such evidence as there is, mostly committee reports and messages to the legislatures from Governors of the States, is to the same effect as the evidence from the debates in the Congress. See Arkansas House J. 288 (1866–67); Florida Senate J. 8–10 (1866); Indiana House J. 47–46, 50–51 (1867); Massachusetts Legislature doc., House Doc. No. 149, 4–14, 16–17, 23, 24, 25–26 (1867); Missouri Senate J. 14 (1867); New Jersey Senate J. 7 (extra sess. 1866); North Carolina Senate J. 96–97, 98–99 (1866–67); Tennessee House J. 12–15 (1865–66); Tennessee Senate J. 6 (extra sess. 1866); Virginia House J. and doc., Doc. No. 1, 35 (1866–67); Wisconsin Senate J. 33, 101–103 (1867). Contra, South Carolina House J. 34 (1866); Texas Senate J. 422 (1866 App.).

For an account of the proceedings in the State legislatures and citations to the proceedings, see Fairman, "Does the 14th Amendment Incorporate the Bill of Rights?" 2 Standard L. Rev. 5, 81–126 (1949).

[31] Connecticut Constitution, 1818, art. third, sec. 3 (towns); New Hampshire Constitution, 1792, part second, sec XXVI (direct taxes paid); New Jersey Constitution, 1844, art. IV, sec. II, cl. 1 (counties); Rhode Island Constitution, 1842, art. VI, sec. 1 (towns and cities); Vermont Constitution, 1793, c. II, sec. 7 (towns).

In none of these States was the other House apportioned strictly according to population. Connecticut Constitution, 1818, Amend II; New Hampshire Constitution, 1792, part second, secs. IX–XI; New Jersey Constitution, 1844, art. IV, sec. III, cl. 1; Rhode Island Constitution, 1842, art. V, sec. 1; Vermont Constitution, 1793, amend 23.

[32] Iowa Constitution, 1857, art. III, sec. 35; Kansas Constitution, 1859, art. 2, sec. 2, art. 10, sec. 1; Maine Constitution, 1819, art. IV, part first, sec. 3; Michigan Constitution, 1850, art. IV, sec. 3; Missouri Constitution, 1865, art. IV, sec. 2; New York Constitution, 1846, art. III, sec. 5; Ohio Constitution, 1851, art. XI, secs. 2–5; Pennsylvania Constitution, 1838, art. I, secs. 4, 6, 7, as amended; Tennessee Constitution, 1834, art. II, sec. 5; West Virginia Constitution, 1861–63, art. IV, sec. 9.

[33] Ninth Census of the United States, Statistics of Population (1872) (hereafter Census), 49. The population figures, here and hereafter, are for the year 1870, which presumably best reflect the figures for the years 1866–70. Only the figures for 1860 were available at that time, of course, and they would have been used by anyone interested in population statistics. See, e.g., Globe 3026 (remarks of Senator Johnson).

The method of apportionment is contained in New Jersey Constitution, 1844, art. IV, sec. II, cl. 1.

[34] New Jersey Constitution, 1844, art. IV, sec. III, cl. 1. Census 49.

[35] Ibid.

[36] New York Constitution, 1846, art. III, secs. 2, 5. Census 50–51.

[37] Ibid.

[38] Ibid.

[39] There were 14 counties, Census 67, each of which was entitled to at least one out of a total of 30 seats. Vermont Constitution, 1793, amend 23.

[40] Census 67.

[41] Act of Mar. 2, 1867, sec. 5, 14 Stat. 429. See also act of June 25, 1868, 15 Stat. 73, declaring that the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida, would be admitted to representation in Congress when their legislatures had ratified the 14th amendment. Other conditions were also imposed, including a requirement that Georgia nullify certain provisions of its constitution. Ibid. Arkansas, which had already ratified the 14th amendment, was readmitted by act of June 22, 1868, 15 Stat. 72. Virginia was readmitted by act of Jan. 26, 1870, 16 Stat. 62; Mississippi by act of Feb. 23, 1870, 16 Stat. 67; and Texas by act of Mar. 30, 1870, 16 Stat. 60. Georgia was not finally readmitted until later, by act of July 15, 1870, 16 Stat. 363.

[42] Discussing the bill which eventuated in the act of June 25, 1868, see note 41, supra, Thaddeus Stevens said:

"Now, sir, what is the particular question we are considering? Five or six States have had submitted to them the question of forming constitutions for their own government. They have voluntarily formed such constitutions, under the direction of the Government of the United States. They have sent us their constitutions. Those constitutions have been printed and laid before us. We have looked at them; we have pronounced them republican in form; and all we propose to require is that they shall remain so forever. Subject to this requirement, we are willing to admit them into the Union." Cong. Globe, 40th Cong., 2d sess., 2465 (1868). See also the remarks of Mr. Butler, supra and p. 553, infra.

The close attention given the various constitutions is attested by the act of June 25, 1868, which conditioned Georgia's readmission on the deletion of "the first and third subdivisions of section 17 of the 5th article of the constitution of said State, except the proviso to the first subdivision * * *," 15 Stat. 73. The sections involved are printed in S. Ex. Doc. No. 57, 40th Cong., 2d sess., 14–15.

Compare *United States* v. *Florida*, 363 U.S. 121, 124–127, 4 L. Ed. 2d 1096, 1098–1100, 80 S Ct. 1026.

[43] See, e.g., Cong. Globe, 40th Cong., 2d sess., 2412–2413, 2856–2860, 2861–2871, 2895–2900, 2901–2904, 2927–2935, 2963–2970, 2998–3022, 3023–3029 (1868).

an additional representative for every thousand inhabitants." [44]

The response of Mr. Butler is particularly illuminating:

"All these arguments, all these statements, all the provisions of this constitution have been submitted to the judiciary committee of the senate, and they have found the constitution republican and proper. This constitution has been submitted to the senate, and they have found it republican and proper. It has been submitted to your own committee on reconstruction, and they have found it republican and proper, and have reported it to this house." [45]

The constitutions of 6 of the 10 States contained provisions departing substantially from the method of apportionment now held to be required by the amendment.[46] And, as in the North, the departures were as real in fact as in theory. In North Carolina, 90 of the 120 representatives were apportioned among the counties without regard to population, leaving 30 seats to be distributed by numbers.[47] Since there were 7 counties with populations under 5,000 and 26 counties with populations over 15,000, the disproportions must have been widespread and substantial.[48] In South Carolina, Charleston, with a population of 88,863, elected two senators; each of the other counties, with populations ranging from 10,269 to 42,486 elected one senator.[49] In Florida, each of the 39 counties was entitled to elect one representative; no county was entitled to more than four.[50] These principles applied to Dade County with a population of 85 and to Alachua County and Leon County, with populations of 17,328 and 15,236, respectively.[51]

It is incredible that Congress would have exacted ratification of the 14th amendment as the price of readmission, would have studied the State constitutions for compliance with the amendment, and would then have disregarded violations of it.

The facts recited above show beyond any possible doubt:

(1) that Congress, with full awareness of and attention to the possibility that the States would not afford full equality in voting rights to all their citizens, nevertheless deliberately chose not to interfere with the States' plenary power in this regard when it proposed the 14th amendment;

(2) that Congress did not include in the 14th amendment restrictions on the States' power to control voting rights because it believed that if such restrictions were included, the amendment would not be adopted.

(6) that at least a substantial majority, if not all, of the States which ratified the 14th amendment did not consider that in so doing, they were accepting limitations on their freedom, never before questioned, to regulate voting rights as they chose.

Even if one were to accept the majority's belief that it is proper entirely to disregard the unmistakable implications of the second section of the amendment in construing the first section, one is confounded by its disregard of all this history. There is here none of the difficulty which may attend the application of basic principles to situations not contemplated or understood when the principles were framed. The problems which concern the Court now were problems when the amendment was adopted. By the deliberate choice of those responsible for the amendment, it left those problems untouched.

C. After 1868

The years following 1868, far from indicating a developing awareness of the applicability of the 14th amendment to problems of apportionment, demonstrate precisely the reverse: that the States retained and exercised the power independently to apportion their legislatures. In its constitutions of 1875 and 1901, Alabama carried forward earlier provisions guaranteeing each county at least one representative and fixing an upper limit to the number of seats in the house.[52] Florida's constitution of 1885 continued the guarantee of one representative for each county and reduced the maximum number of representatives per county from four to three.[53] Georgia, in 1877, continued to favor the smaller counties.[54] Louisiana, in 1879, guaranteed each parish at least one representative in the house.[55] In 1890, Mississippi granted each county one representative, established a maximum number of representatives, and provided that specified groups of counties should each have approximately one-third of the seats in the house, whatever the spread of population.[56] Missouri's constitution of 1875 gave each county one representative and otherwise favored less populous areas.[57] Montana's original constitution of 1889 apportioned the State senate by counties.[58] In 1877, New Hampshire amended its constitution's provisions for apportionment, but continued to favor sparsely settled areas in the house and to apportion seats in the senate according to direct taxes paid;[59] the same was true of New Hampshire's constitution of 1902.[60]

In 1894, New York adopted a constitution the peculiar apportionment provisions of which were obviously intended to prevent representation according to population: no county was allowed to have more than one-third of all the senators, no two counties which were adjoining or separated only by public waters could have more than one-half of all the senators, and whenever any county became entitled to more than three senators, the total number of senators was increased, thus preserving to the small counties their original number of seats.[61] In addition, each county except Hamilton was guararanteed a seat in the assembly.[62] The North Carolina Constitution of 1676 gave each county at least one representative and fixed a maximum number of representatives for the whole house.[63] Oklahoma's Constitution at the time of its admission to the Union (1907) favored small counties by the use of partial ratios and a maximum number of seats in the house; in addition, no county was permitted to take part in the election of more than seven representatives.[64] Pennsylvania, in 1873, continued to guarantee each county one representative in the house.[65] The same was true of South Carolina's Constitution of 1895, which provided also that each county should elect one and only one Senator.[66] Utah's original constitution of 1895 assured each county of one representative in the house.[67] Wyoming, when it entered the Union in 1889, guaranteed each county at least one senator and one representative.[68]

D. Today

Since the Court now invalidates the legislative apportionments in six States, and has so far upheld the apportionment in none, it is scarcely necessary to comment on the situation in the States today, which is, of course, as fully contrary to the Court's decision as is the record of every prior period in this Nation's history. As of 1961, the constitutions of all but 11 States, roughly 20 percent of the total, recognized bases of apportionment other than geographic spread of population, and to some extent favored sparsely populated areas by a variety of devices, ranging from straight area representation or guaranteed minimum area representation to complicated schemes of the kind exemplified by the provisions of New York's Constitution of 1894, still in effect until struck down by the Court today in No. 20, post, p. 568.[69] Since Tennessee, which was the subject of *Baker* v. *Carr*, and Virginia, scrutinized and disapproved today in No. 69, post, p. 609, are among the 11 States whose own constitutions are sound from the standpoint of the Federal Constitution as construed today, it is evident that the actual practice of the States is even more uniformly than their theory opposed to the Court's view of what is constitutionally permissible.

E. Other factors

In this summary of what the majority ignores, note should be taken of the 15th and 19th amendments. The former prohibited the States from denying or abridging the right to vote "on account of race, color, or previous condition of servitude." The latter, certified as part of the Constitution in 1920, added sex to the prohibited classifications. In *Minor* v. *Happersett*, 21 Wall 162, 22 L. Ed. 627, this Court considered the claim that the right of women to vote was protected by the privileges and immunities clause of the 14th amendment. The Court's discussion there of the significance of the 15th amendment is fully applicable here with respect to the 19th amendment as well.

"And still again, after the adoption of the 14th amendment, it was deemed necessary to adopt a 15th, as follows: 'The right of

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[44] Cong. Globe, 40th Cong., 2d sess., 3090–6091 (1868).

[45] Id., at 3092.

[46] Alabama constitution, 1867, art. VIII, sec. 1; Florida constitution, 1666, art. XIV; Georgia constitution, 1666, art. III, sec. 3, par. 1; Louisiana constitution, 1866, title II, art. 20; North Carolina constitution, 1668, art. II, sec. 6; South Carolina constitution, 1668, art. II, secs. 6, 6.

[47] North Carolina constitution, 1666, art. II, sec. 6. There were 90 counties. Census 52–53.

[48] Ibid.

[49] South Carolina constitution, 1868, art. II, sec. 8; Census 60.

[50] Florida constitution, 1868, art. XIV.

[51] Census 16–19.

[52] Alabama constitution, 1875, art. IX, secs. 2, 3; Alabama constitution, 1901, art. IX, secs. 198, 199.

[53] Florida constitution, 1885, art. VII, sec. 3.

[54] Georgia constitution, 1877, art. III, sec. 3.

[55] Louisiana constitution, 1879, art. 16.

[56] Mississippi constitution, 1890, art. 13, sec. 256.

[57] Missouri constitution, 1875, art. 4, sec. 2.

[58] Montana constitution, 1889, art. V, sec. 4, art. VI, sec. 4.

[59] New Hampshire constitution, 1792, part 2, secs. 9–11, 26, as amended.

[60] New Hampshire constitution, 1902, part 2, arts. 9, 10, 25.

[61] New York constitution, 1694, art. III, sec. 4.

[62] New York constitution, 1894, art. III, sec. 5.

[63] North Carolina constitution, 1676, art. II, sec. 5.

[64] Oklahoma constitution, 1907, art. V, sec. 10.

[65] Pennsylvania constitution, 1873, art. II, sec. 17.

[66] South Carolina constitution, 1895, art. III, secs. 4, 6.

[67] Utah constitution, 1895, art. IX, sec. 4.

[68] Wyoming constitution, 1869, art. III, sec. 3.

[69] A tabular presentation of constitutional provisions for apportionment as of Nov. 1, 1961, appears in XIV Book of the States (1962–63) 58–62. Using this table, but disregarding some deviations from a pure population base, the Advisory Commission on Intergovernmental Relations states that there are 15 States in which the legislatures are apportioned solely according to population. Apportionment of State Legislatures (1962), 12.

citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.' The 14th amendment had already provided that no State should make or enforce any law which should abridge the privileges or immunities of citizens of the United States. If suffrage was one of these privileges or immunities, why amend the Constitution to prevent its being denied on account of race, etc? Nothing is more evident than that the greater must include the less, and if all were already protected why go through with the form of amending the Constitution to protect a part?" Id., at 175, 22 L. Ed. at 630.

In the present case, we can go still further. If constitutional amendment was the only means by which all men and, later, women, could be guaranteed the right to vote at all, even for Federal officers. How can it be that the far less obvious right to a particular kind of apportionment of State legislatures—a right to which is opposed a far more plausible conflicting interest of the State than the interest which opposes the general right to vote—can be conferred by judicial construction of the 14th amendment?[70] Yet, unless one takes the highly implausible view that the 14th amendment controls methods of apportionment but leaves the right to vote itself unprotected, the conclusion is inescapable that the Court has, for purposes of these cases, relegated the 15th and 19th amendments to the same limbo of constitutional anachronisms to which the second section of the 14th amendment has been assigned.

Mention should be made finally of the decisions of this Court which are disregarded or, more accurately, silently overruled today. *Minor* v. *Happersett, supra,* in which the Court held that the 14th amendment did not confer the right to vote on anyone, has already been noted. Other cases are more directly in point. In *Colegrove* v. *Barrett* (330 U.S. 804, 91 L. Ed. 1262, 67 S. Ct. 973), this Court dismissed "for want of a substantial Federal question" an appeal from the dismissal of a complaint alleging that the Illinois legislative apportionment resulted in 'gross inequality in voting power" and "gross and arbitrary and atrocious discrimination in voting" which denied the plaintiffs equal protection of the laws.[71] In *Remmey* v. *Smith* (102 F. Supp. 708 (D.C.E.D. Pa.)), a three-judge district court dismissed a complaint alleging that the apportionment of the Pennsylvania Legislature deprived the plaintiffs of "constitutional rights guaranteed to them by the 14th amendment." (Id., at 709.) The district court stated that it was aware that the plaintiffs' allegations were "notoriously true" and that "the practical disenfranchisement of qualified electors in certain of the election districts in Philadelphia County is a matter of common knowledge." (Id., at 710.) This Court dismissed the appeal "for the want of a substantial Federal question." (342 U.S. 916, 96 L. Ed. 685, 72 S. Ct. 368.)

In *Kidd* v. *McCanles* (292 SW 2d 40, the Supreme Court of Tennessee dismissed an action for a declaratory judgment that the Tennessee Apportionment Act of 1901 was unconstitutional. The complaint alleged that "a minority of approximately 37 percent of the voting population of the State now elects and controls 20 of the 33 members of the senate; that a minority of 40 percent of the voting population of the State now controls 63 of the 99 members of the house of representatives.' (Id., at 42.) Without dissent, this Court granted the motion to dismiss the appeal. (352 U.S. 920, 1 L. Ed. 2d 157, 77 S. Ct. 223.) In *Radford* v. *Gary* (145 F. Supp. 541 (D.C.W.D. Okla.)), a three-judge district court was convened to consider "the complaint of the plaintiff to the effect that the existing apportionment statutes of the State of Oklahoma violate the plain mandate of the Oklahoma constitution and operate to deprive him of the equal protection of the laws guaranteed by the 14th amendment to the Constitution of the United States." (Id., at 542.) The plaintiff alleged that he was a resident and voter in the most populous county of the State, which had about 15 percent of the total population of the State but only about 2 percent of the seats in the State senate and less than 4 percent of the seats in the house. The complaint recited the unwillingness or inability of the branches of the State government to provide relief and alleged that there was no State remedy available. The district court granted a motion to dismiss. This Court affirmed without dissent. (352 U.S. 991, 1 L. Ed. 2d 540, 77 S. Ct. 559.)

Each of these recent cases is distinguished on some ground or other in *Baker* v. *Carr.* See 369 U.S. at 235–236, 7 L. ed. 2d at 696. Their summary dispositions prevent consideration whether these after-the-fact distinctions are real or imaginary. The fact remains, however, that between 1947 and 1957, four cases raising issues precisely the same as those decided today were presented to the Court. Three were dismissed because the issues presented were thought insubstantial and in the fourth the lower court's dismissal was affirmed.[72]

I have tried to make the catalog complete, yet to keep it within the manageable limits of a judicial opinion. In my judgment, today's decisions are refuted by the language of the amendment which they construe and by the inference fairly to be drawn from subsequently enacted amendments. They are unequivocally refuted by history and by consistent theory and practice from the time of the adoption of the 14th amendment until today.

II

The Court's elaboration of its new "constitutional" doctrine indicates how far—and how unwisely—it has strayed from the appropriate bounds of its authority. The consequence of today's decision is that in all but the handful of States which may already satisfy the new requirements the local district court or, it may be, the State courts, are given blanket authority and the constitutional duty to supervise apportionment of the State legislatures. It is difficult to imagine a more intolerable and inappropriate interference by the judiciary with the independent legislatures of the States.

In the Alabama cases (Nos. 23, 27, 41), the district court held invalid not only existing provisions of the State constitution—which this Court lightly dismisses with a wave of the supremacy clause and the remark that "it makes no difference whether a State's apportionment scheme is embodied in its constitution or in statutory provisions," ante, page 540—but also a proposed amendment to the Alabama constitution which had never been submitted to the voters of Alabama for ratification, and "standby" legislation which was not to become effective unless the amendment was rejected (or declared unconstitutional) and in no event before 1966. *Sims* v. *Frink,* 208 F. Supp. 431. See ante, pages 516–521. Both of these measures had been adopted only 9 days before,[73] at an extraordinary session of the Alabama Legislature, convened pursuant to what was very nearly a directive of the district court, see *Sims* v. *Frink,* 205 F. Supp. 245, 248. The district court formulated its own plan for the apportionment of the Alabama Legislature, by picking and choosing among the provisions of the legislative measures. 208 F. Supp., at 441–442. See ante page 521. Beyond that, the court warned the legislature that there would be still further judicial reapportionment unless the legislature, like it or not, undertook the task for itself. 208 F. Supp. at 442. This court now states that the district court acted in "a most proper and commendable manner," ante, page 541, and approves the district court's avowed intention of taking "some further action" unless the State legislature acts by 1966. ante, page 542.

In the Maryland case (No. 29, post, p. 595), the State legislature was called into special session and enacted a temporary reapportionment of the house of delegates, under pressure from the States courts.[74] There-

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[70] Compare the Court's statement in *Guinn* v. *United States,* 238 U.S. 347, 362, 59 L. Ed. 1340, 1347 35 S. Ct. 926, LRA 1916A 1124.

"Beyond doubt the [15th] amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals."

[71] The quoted phrases are taken from the Jurisdictional Statement, pp. 13, 19.

[72] In two early cases dealing with party primaries in Texas, the Court indicated that the equal protection clause did afford some protection of the right to vote. *Nixon* v. *Herndon,* 273 U.S. 536, 71 L. Ed. 759, 47 S. Ct. 446; *Nixon* v. *Condon,* 286 U.S. 73, 76 L. Ed. 984, 52 S. Ct. 484, 88 A.L.R. 458. Before and after these cases, two cases dealing with the qualifications for electors in Oklahoma had gone off on the 15th amendment, *Guinn* v. *United States,* 238 U.S. 347, 59 L. Ed. 1340, 35 S. Ct. 926, LRA 1916A 1124; *Lane* v. *Wilson,* 307 U.S. 268, 83 L. Ed. 1281, 59 S. Ct. 872. The rationale of the Texas cases is almost certainly to be explained by the Court's reluctance to decide that party primaries were a part of the electoral process for purposes of the 15th amendment. See *Newberry* v. *United States,* 256 U.S. 232, 65 L. Ed. 913, 41 S. Ct. 469. Once that question was laid to rest in *United States* v. *Classic,* 313 U.S. 299, 85 L. Ed. 1368, 61 S. Ct. 1031, the Court decided subsequent cases involving Texas party primaries on the basis of the 15th amendment. *Smith* v. *Allwright,* 321 U.S. 649, 88 L. Ed. 987, 64 S. Ct. 757, 151 A.L.R. 1110; *Terry* v. *Adams,* 345 U.S. 461, 97 L. Ed. 1152, 73 S. Ct. 809.

The recent decision in *Gomillion* v. *Lightfoot,* 364 U.S. 339, 5 L. Ed. 2d 110, 81 S. Ct. 125, that a constitutional claim was stated by allegations that municipal lines had been redrawn with the intention of depriving Negroes of the right to vote in municipal elections was based on the 15th amendment. Only one Justice, in a concurring opinion, relied on the equal protection clause of the 14th amendment. Id., at 349, 5 L. Ed. 2d at 118.

[73] The measures were adopted on July 13, 1962. The district court handed down its opinion on July 21, 1962.

[74] In reversing an initial order of the circuit court for Anne Arundel County dismissing the plaintiffs' complaint, the Maryland Court of Appeals directed the lower court to hear evidence on and determine the plaintiffs' constitutional claims, and, if it found provisions of the Maryland constitution to be invalid, to "declare that the legislature has the power, if called into special session by the Governor and such action be deemed appropriate by it, to enact a bill reapportioning its membership for

after, the Maryland court of appeals held that the Maryland Senate was constitutionally apportioned. *Maryland Committee for Fair Representation* v. *Tawes* (229 Md. 406). This court now holds that neither branch of the State legislature meets constitutional requirements. Post, page 606. The court presumes that since "the Maryland constitutional provisions relating to legislative apportionment [are] hereby held unconstitutional, the Maryland Legislature has the inherent power to enact at least temporary reapportionment legislation pending adoption of State constitutional provisions" which satisfy the Federal Constitution, Id., at 607. On this premise, the court concludes that the Maryland courts need not feel obliged to take further affirmative action now, but that "under no circumstances should the 1966 election of members of the Maryland Legislature be permitted to be conducted pursuant to the existing or any other unconstitutional plan." Id., at 608.

In the Virginia case (No. 69, post, p. 609), the State legislature in 1962 complied with the State constitutional requirement of regular reapportionment.[75] Two days later, a complaint was filed in the district court.[76] Eight months later, the legislative reapportionment was declared unconstitutional. *Mann* v. *Davis* (213 F. Supp. 577). The district court gave the State legislature 2 months within which to reapportion itself in special session, under penalty of being reapportioned by the court.[77] Only a stay granted by a member of this court slowed the process;[78] it is plain that no stay will be forthcoming in the future. The Virginia Legislature is to be given an adequate opportunity to enact a valid plan; but if it fails "to act promptly in remedying the constitutional defects in the State's legislative apportionment plan," the district court is to take further action. Post, page 618.

In Delaware (No. 307, post, p. 820), the district court entered an order on July 25, 1962, which stayed proceedings until August 7, 1962, "in the hope and expectation" that the general assembly would take "some appropriate action" in the intervening 13 days. *Sincock* v. *Terry*, 207 F. Supp. 205, 207. By way of prodding, presumably, the court noted that if no legislative action were taken and the court sustained the plaintiffs' claim, "the present general assembly and any subsequent general assembly, the members of which were elected pursuant to section 2 of article 2 [the challenged provisions of the Delaware constitution], might be held not to be a de jure legislature and its legislative acts might be held invalid and unconstitutional." Id., at 205–206. Five days later, on July 30, 1962, the general assembly approved a proposed amendment to the State constitution. On August 7, 1962, the district court entered an order denying the defendants' motion to dismiss. The court said that it did not wish to substitute its judgment "for the collective wisdom of the General Assembly of Delaware," but that "in the light of all the circumstances," it had to proceed promptly. 210 F. Supp. 395, 396. On October 16, 1962, the court declined to enjoin the conduct of elections in November. 210 F. Supp. 396. The court went on to express its regret that the general assembly had not adopted the court's suggestion, see 207 F. Supp. at 208–207, that the Delaware constitution be amended to make apportionment a statutory rather than a constitutional matter, so as to facilitate further changes in apportionment which might be required. 210 F. Supp. 401. In January 1963, the general assembly again approved the proposed amendment of the apportionment provisions of the Delaware constitution, which thereby became effective on January 17, 1963.[79] Three months later, on April 17, 1963, the district court reached "the reluctant conclusion" that art. II, section 2, of the Delaware constitution was unconstitutional, with or without the 1963 amendment. *Sincock* v. *Duffy*, 215 F. Supp. 169, 189. Observing that "the State of Delaware, the general assembly, and this court all seem to be trapped in a kind of box of time," id., at 191, the court gave the general assembly until October 1, 1963, to adopt acceptable provisions for apportionment. On May 20, 1963, the district court enjoined the defendants from conducting any elections, including the general election scheduled for November 1964, pursuant to the old or the new constitutional provisions.[80] This court now approves all these proceedings, noting particularly that in allowing the 1962 elections to go forward, "the district court acted in a wise and temperate manner." Post p. 629.[81]

Records such as these in the cases decided today are sure to be duplicated in most of the other States if they have not already. They present a jarring picture of courts threatening to take action in an area which they have no business entering, inevitably on the basis of political judgments which they are incompetent to make. They show legislatures of the States meeting in haste and deliberating and deciding in haste to avoid the threat of judicial interference. So far as I can tell, the court's only response to this unseemly state of affairs is ponderous insistence that "a denial of constitutionally protected rights demands judicial protection," ante, p. 530. By thus refusing to recognize the bearing which a potential for conflict of this kind may have on the question whether the claimed rights are in fact constitutionally entitled to judicial protection, the court assumes, rather than supports, its conclusion.

It should by now be obvious that these cases do not mark the end of reapportionment problems in the courts. Predictions once made that the courts would never have to face the problem of actually working out an apportionment have proved false. This court, however, continues to avoid the consequences of its decisions, simply assuring us that the lower courts "can and * * * will work out more concrete and specific standards," ante, p. 537. Deeming it "expedient" not to spell out "precise constitutional tests," the court contents itself with stating "only a few rather general considerations." Ibid.

Generalities cannot obscure the cold truth that cases of this type are not amenable to the development of judicial standards. No set of standards can guide a court which has to decide how many legislative districts a State shall have, or what the shape of the districts shall be, or where to draw a particular district line. No judicially manageable standard can determine whether a State should have single-member districts or multimember districts or some combination of both. No such standard can control the balance between keeping up with population shifts and having stable districts. In all these respects, the courts will be called upon to make particular decisions with respect to which a principle of equally populated districts will be of no assistance whatsoever. Quite obviously, there are limitless possibilities for districting consistent with such a principle. Nor can these problems be avoided by judicial reliance on legislative judgments so far as possible. Reshaping or combining one or two districts, or modifying just a few district lines, is no less a matter of choosing among many possible solutions, with varying political consequences, than reapportionment broadside.[82]

The court ignores all this, saying only that "what is marginally permissible in one State may be unsatisfactory in another, depending on the particular circumstances of the case," ante, p. 537. It is well to remember that the product of today's decisions will not be readjustment of a few districts in a few States which most glaringly depart from the principle of equally populated districts. It will be a redetermination, extensive in many cases, of legislative districts in all but a few States.

Although the court—necessarily, as I believe—provides only generalities in elaboration of its main thesis, its opinion nevertheless fully demonstrates how far removed these problems are from fields of judicial competence. Recognizing that "indiscriminate districting" is an invitation to "partisan gerrymandering," ante, p. 537, the court nevertheless excludes virtually every basis

purposes of the November 1962 election." *Maryland Committee for Fair Representation* v. *Tawes*, 228 Md. 412, 438–439. On remand, the opinion of the circuit court included such a declaration. The opinion was filed on May 24, 1962. The Maryland Legislature, in special session, adopted the "emergency" measures now declared unconstitutional 7 days later, on May 31, 1962.

[75] The Virginia constitution, art. IV, sec. 43, requires that a reapportionment be made every 10 years.

[76] The 1962 reapportionment acts were approved on Apr. 7, 1962. The complaint was filed on Apr. 9, 1962.

[77] The district court handed down its opinion on November 28, 1962, and gave the Virginia General Assembly until January 31, 1963, "to enact appropriate reapportionment laws," 213 F. Supp. at 585–586. The court stated that failing such action or an appeal to this court, the plaintiffs might apply to it "for such further orders as may be required." Id., at 586.

[78] On December 15, 1962, the Chief Justice granted a stay pending final disposition of the case in this Court.

[79] The Delaware Constitution, art. XVI, sec. 1, requires that amendments be approved by the necessary two-thirds vote in two successive general assemblies.

[80] The district court thus nailed the lid on the "box of time" in which everyone seemed to it "to be trapped." The lid was temporarily opened a crack on June 27, 1963, when Mr. Justice Brennan granted a stay of the injunction until disposition of the case by this Court. Since the Court states that "the delay inherent in following the State constitutional prescription for approval of constitutional amendments by two successive general assemblies cannot be allowed to result in an impermissible deprivation of appellees' right to an adequate voice in the election of legislators to represent them," post, p. 630, the lid has presumably been slammed shut again.

[81] In New York and Colorado, this pattern of conduct has thus far been avoided. In the New York case (No. 20, post, p. 568), the district court twice dismissed the complaint, once without reaching the merits, *WMCA, Inc.* v. *Simon*, 202 F. Supp. 741, and once, after this court's remand following *Baker v. Carr*, supra, 370 U.S. 190, 8 L. ed. 2d 430, 82 S. Ct. 1234, on the merits, 208 F. Supp. 368. In the Colorado case (No. 508, post, p. 632), the district court first declined to interfere with a forthcoming election at which reapportionment measures were to be submitted to the voters, *Lisco* v. *McNichols*, 208 F. Supp. 471, and, after the election, upheld the apportionment provisions which had been adopted, 219 F. Supp. 922.

In view of the action which this court now takes in both of these cases, there is little doubt that the legislatures of these two States will now be subjected to the same kind of pressures from the Federal judiciary as have the other States.

[82] It is not mere fancy to suppose that in order to avoid problems of this sort, the court may one day be tempted to hold that all State legislators must be elected in statewide elections.

for the formation of electoral districts other than "indiscriminate districting." In one or another of today's opinions, the court declares it unconstitutional for a State to give effective consideration to any of the following in establishing legislative districts:

(1) History; [83]

(2) "Economic or other sorts of group interests"; [84]

(3) Area; [85]

(4) Geographical considerations; [86]

(5) A desire "to insure effective representation for sparsely settled areas"; [87]

(6) "Availability of access of citizens to their representatives"; [88]

(7) Theories of bicameralism (except those approved by the court); [89]

(8) Occupation; [90]

(9) "An attempt to balance urban and rural power." [91]

(10) The preference of a majority of voters in the State.[92]

So far as presently appears, the only factor which a State may consider, apart from numbers, is political subdivisions. But even "a clearly rational State policy" recognizing this factor is unconstitutional if "population is submerged as the controlling consideration." [93]

I know of no principle of logic or practical or theoretical politics, still less any constitutional principle, which establishes all or any of these exclusions. Certain it is that the court's opinion does not establish them. So far as the court says anything at all on this score, it says only that "legislators represent people, not trees or acres," ante, p. 527; that "citizens, not history or economic interests, cast votes," ante, p. 538; that "people, not land or trees or pastures, vote," Ibid.[94] All this may be conceded. But it is surely equally obvious, and, in the context of elections, more meaningful to note that people are not ciphers and that legislators can represent their electors only by speaking for their interests—economic, social, political—many of which do reflect the place where the electors live. The Court does not establish, or indeed even attempt to make a case for the proposition that conflicting interests within a State can only be adjusted by disregarding them when voters are grouped for purposes of representation.

CONCLUSION

With these cases the court approaches the end of the third round set in motion by the complaint filed in *Baker* v. *Carr*. What is done today deepens my conviction that judicial entry into this realm is profoundly ill-advised and constitutionally impermissible. As I have said before, *Wesberry* v. *Sanders*, supra, 376 U.S. at 48, 11 L. Ed. 2d at 509, I believe that the vitality of our political system, on which in the last analysis all else depends, is weakened by reliance on the judiciary for political reform; in time a complacent body politic may result.

These decisions also cut deeply into the fabric of our federalism. What must follow from them may eventually appear to be the product of State legislatures. Nevertheless, no thinking person can fail to recognize that the aftermath of these cases, however desirable it may be thought in itself, will have been achieved at the cost of a radical alteration in the relationship between the States and the Federal Government, more particularly the Federal judiciary. Only one who has an overbearing impatience with the Federal system and its political processes will believe that that cost was not too high or was inevitable.

Finally, these decisions give support to a current mistaken view of the Constitution and the constitutional function of this court. This view, in a nutshell, is that every major social ill in this country can find its cure in some constitutional principle, and that this court should "take the lead" in promoting reform when other branches of government fail to act. The Constitution is not a panacea for every blot upon the public welfare, nor should this court, ordained as a judicial body, be thought of as a general haven for reform movements. The Constitution is an instrument of government, fundamental to which is the premise that in a diffusion of governmental authority lies the greatest promise that this Nation will realize liberty for all its citizens. This court, limited in function in accordance with that premise, does not serve its high purpose when it exceeds its authority, even to satisfy justified impatience with the slow workings of the political process. For when, in the name of constitutional interpretation, the court adds something to the Constitution that was deliberately excluded from it, the court in reality substitutes its view of what should be so for the amending process.

I dissent in each of these cases, believing that in none of them have the plaintiff's stated a cause of action. To the extent that *Baker* v. *Carr*, expressly or by implication, went beyond a discussion of jurisdictional doctrines independent of the substantive issues involved here, it should be limited to what it in fact was: an experiment in venturesome constitutionalism. I would reverse the judgments of the district court in Nos. 23, 27, and 41 (Alabama), No. 69 (Virginia), and No. 307 (Delaware), and remand with directions to dismiss the complaints I would affirm the judgments of the district court in No. 20 (New York), and No. 508 (Colorado), and of the court of appeals of Maryland in No. 29.

APPENDIX A

Statements made in the House of Representatives during the debate on the resolution proposing the 14th amendment.[95]

"As the nearest approach to justice which we are likely to be able to make, I approve of the second section that bases representation upon voters." 2463 (Mr. Garfield).

"Would it not be a most unprecedented thing that when this [former slave] population are not permitted where they reside to enter in to the basis of representation in their own State, we should receive it as an element of representation here; that when they will not count them in apportioning their own legislative districts, we are to count them as five-fifths (no longer as three-fifths for that is out of the question) as soon as you make a new apportionment?" 2464–2465 (Mr. Thayer).

"The second section of the amendment is ostensibly intended to remedy a supposed inequality in the basis of representation. The real object is to reduce the number of southern representatives in Congress and in the electoral college; and also to operate as a standing inducement to Negro suffrage." 2467 (Mr. Boyer).

"Shall the pardoned rebels of the South include in the basis of representation 4 million people to whom they deny political rights, and to no one of whom le allowed a vote in the selection of a Representative?" 2468 (Mr. Kelley).

"I shall, Mr. Speaker, vote for this amendment; not because I approve it. Could I have controlled the report of the committee of 15, it would have proposed to give the right of suffrage to every loyal man in the country." 2469 (Mr. Kelley).

"But I will ask, why should not the representation of the States be limited as the States themselves limit suffrage? If the Negroes of the South are not to be counted as a political element in the government of the South in the States, why should they be counted as a political element in the government of the country in the Union." 2498 (Mr. Broomall).

"It is now proposed to base representation upon suffrage, upon the number of voters, instead of upon the aggregate population in every State of the Union." 2502 (Mr. Raymond).

"We admit equality of representation based upon the exercise of the elective franchise by the people. The proposition in the matter of suffrage falls short of what I desire, but so far as it goes it tends to the equalization of the inequality at present existing; and while I demand and shall continue to demand the franchise for all loyal male citizens of this country—and I cannot but admit the possibility that ultimately those 11 States may be restored to representative power without the right of franchise being conferred upon the colored people—I should feel myself doubly humiliated and disgraced, and criminal even, if I hesitated to do what I can for a proposition which equalizes representation. 2508 (Mr. Boutwell).

"Now, conceding to each State the right to regulate the right of suffrage, they ought not to have a representation for male citizens not less than 21 years of age, whether white or black, who are deprived of the exercise of suffrage. This amendment will settle the complication in regard to suffrage and representation, leaving each State to regulate that for itself, so that it will be for it to decide whether or not it shall have a representation for all its male citizens not less than 21 years of age." 2510 (Mr. Miller).

"Manifestly no State should have its basis of national representation enlarged by reason of a portion of citizens within its borders to which the elective franchise is denied. If political power shall be lost because of such denial, not imposed because of participation in rebellion or other crime, it is to be hoped that political interests may work in the line of justice, and that the end will be the impartial enfranchisement of all citizens not disqualified by crime. Whether that end shall be attained or not, this will be secured: that the measure of political power of any State shall be determined by that portion of its citizens which can speak and act at the polls, and shall not be enlarged because of the residence within the State of portions of its citizens denied the right of franchise. So much for the second section of the amendment. It is not all that I wish and would demand; but odious inequalities are removed by it and representation will be equalized, and the political rights of all citizens will under its operation be, as we believe, ultimately recognized and admitted." 2511 (Mr. Eliot).

"I have no doubt that the Government of the United States has full power to extend the elective franchise to the colored population of the insurgent States. I mean authority; I said power. I have no doubt that the Government of the United States has authority to do this under the Constitution; but I do not think they have the power. The distinction I make between authority and power is this: we have, in the nature of our

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[83] Ante, p. 537.

[84] Ante, pp. 537, 538.

[85] Ante, p. 538.

[86] Ibid.

[87] Ibid.

[88] Ibid.

[89] Ante, pp. 535, 536.

[90] *Davis* v. *Mann*, — U.S. —, 12 L. Ed. 2d 609, 617, 84 S. Ct.—.

[91] Id., at 618.

[92] *Lucas* v. *Forty-Fourth General Assembly*, — U.S. —, 12 L. Ed. 2d 632, 647, 84 S. Ct. —.

[93] Ante, p. 539.

[94] The court does note that, in view of modern developments in transportation and communication, it finds "unconvincing" arguments based on a desire to insure representation of sparsely settled areas or to avoid districts so large that voters' access to their representatives is impaired. Ante, p. 538.

[95] All page references are to Congressional Globe, 39th Cong., 1st sess. (1866).

Government, the right to do it; but the public opinion of the country is such at this precise moment as to make it impossible we should do it. It was therefore most wise on the part of the committee on reconstruction to waive this matter in deference to public opinion. The situation of opinion in these States compels us to look to other means to protect the Government against the enemy." 2532 (Mr. Banks).

"If you deny to any portion of the loyal citizens of your State the right to vote for Representatives you shall not assume to represent them, and, as you have done for so long a time, misrepresent and oppress them. This is a step in the right direction; and although I should prefer to see incorporated into the Constitution a guarantee of universal suffrage, as we cannot get the required two-thirds for that I cordially support this proposition as the next best." 2539–40 (Mr. Rogers).

APPENDIX B

Statements made in the Senate during the debate on the resolution proposing the 14th amendment.[98]

"The second section of the constitutional amendment proposed by the committee can be justified upon no other theory than that the Negroes ought to vote; and Negro suffrage must be vindicated before the people in sustaining that section, for it does not exclude the nonvoting population of the North, because it is admitted that there is no wrong in excluding from suffrage aliens, females, and minors. But we say, if the Negro is excluded from suffrage he shall also be excluded from the basis of representation. Why this inequality? Why this injustice? For injustice it would be unless there be some good reason for this discrimination against the South in excluding her nonvoting population from the basis of representation. The only defense that we can make to this apparent injustice is that the South commits an outrage upon human rights when she denies the ballot to the blacks, and we will not allow her to take advantage of her own wrong, or profit by this outrage. Does any one suppose it possible to avoid this plain issue before the people? For if they will sustain you in reducing the representation of the South because she does not allow the Negro to vote, they will do so because they think it is wrong to disfranchise him." 2800 (Senator Stewart).

"It [the second section of the proposed amendment] relieves him [the Negro] from misrepresentation in Congress by denying him any representation whatever." 2801 (Senator Stewart).

"But I will again venture the opinion that it (the second section) means as if it read thus: no State shall be allowed a representation on a colored population unless the right of voting is given to the Negroes—presenting to the States the alternative of loss of representation or the enfranchisement of the Negroes, and their political equality." 2939 (Senator Hendricks).

"I should be much better satisfied if the right of suffrage had been given at once to the more intelligent of them [the Negroes] and such as had served in our Army. But it is believed by wiser ones than myself that this amendment will very soon produce some grant of suffrage to them, and that the craving for political power will ere long give them universal suffrage. * * * Believing that this amendment probably goes as far in favor of suffrage to the Negro as is practicable to accomplish now, and hoping it may in the end accomplish all I desire in this respect, I shall vote for its adoption, although I should be glad to go further." 2963–2964 (Senator Poland).

"What is to be the operation of this amendment? Just this: Your whip is held over Pennsylvania, and you say to her that she must either allow her Negroes to vote or have one Member of Congress less." 2987 (Senator Cowan).

"Now, sir, in all the States—certainly in mins, and no doubt in all—there are local as contradistinguished from State elections. There are city elections, county elections, and district or borough elections; and those city and county and district elections are held under some law of the State in which the city or county or district or borough may be; and in those elections, according to the laws of the States, certain qualifications are prescribed, residence within the limits of the locality and a property qualification in some. Now, is it proposed to say that if every man in a State is not at liberty to vote at a city or a county or a borough election that is to affect the basis of representation?" 2991 (Senator Johnson).

"Again, Mr. President, the measure upon the table, like the first proposition submitted to the Senate from the Committee of Fifteen, concedes to the States * * * not only the right, but the exclusive right, to regulate the franchise. * * * It says that each of the Southern States, and, of course, each other State in the Union, has a right to regulate for itself the franchise, and that consequently, as far as the Government of the United States is concerned, if the black man is not permitted the right to the franchise, it will be a wrong (if a wrong) which the Government of the United States will be impotent to redress." 3027 (Senator Johnson).

"The amendment fixes representation upon numbers, precisely as the Constitution now does, but when a State denies or abridges the elective franchise to any of its male inhabitants who are citizens of the United States and not less than 21 years of age, except for participation in rebellion or other crime, then such State will lose its representation in Congress in the proportion which the male citizens so excluded bears to the whole number of male citizens not less than 21 years of age in the State." 3033 (Senator Henderson).

[98] All page references are to Congressional Globe, 39th Cong., 1st sess. (1866).

TRIBUTE TO WILLIAM A. CREECH, CHIEF COUNSEL OF THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE SENATE COMMITTEE ON THE JUDICIARY

Mr. ERVIN. Mr. President, a major share of the credit for whatever good the Senate does is due to the faithful and diligent members of the personal staffs of Senators and the faithful and diligent members of the staffs of the several Senate committees and their subcommittees. I know of no person in any of these categories who is doing a more magnificent job than William A. Creech, chief counsel of the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary. As chairman of this subcommittee, I rejoice in the fact that his magnificent service is becoming known far beyond Capitol Hill. This is evidenced by the appearance in the News and Observer, of Raleigh, N.C., for June 7, 1964, of an article by Bernadette Hoyle, entitled "Creech's Concern: The Indian's Civil Rights."

I ask unanimous consent that this article be printed at this point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CREECH'S CONCERN: THE INDIAN'S CIVIL RIGHTS

(By Bernadette Hoyle)

SMITHFIELD.—At a time when great emphasis is being placed upon civil rights everywhere, William A. (Bill) Creech, a Smithfield native, has been working with areas of law concerning civil rights and civil liberties long neglected by the Federal Government.

An attorney by profession, Bill, since 1961, has been chief counsel and staff director of the Senate Constitutional Rights Subcommitee, of which Senator SAM ERVIN is chairman. In this post, Bill has participated in an all-encompassing study of the constitutional rights of such diversified groups as the American Indian, military personnel, and the mentally ill. These studies have touched upon three areas of the law which have been sorely neglected by the Congress. The work undertaken is a study specifically of the constitutional rights of these citizens.

In addition to these studies, the subcommittee has been concerned with such subjects as deprivation of citizenships, the constitutional rights of civil servants, and a variety of subjects emanating from a study of the administration of criminal justice.

Bill, who combines a zest for living and a love of travel, with interests ranging from law to international affairs, has in recent years devoted much time to the study of civil rights and civil liberties of the American Indian.

BEGINNING OF INTEREST

"Although it is sometimes hard to pin down an exact moment, I can say without question that attending 'The Lost Colony' and visiting the Cherokee Indian Reservation as a child precipitated an interest in the American Indian and his place in our history and society which I have maintained through the years," he said. For the past 3 years he has studied the tribal backgrounds, customs, and problems of the Indian.

From his research he has concluded that the Indian lives under the greatest degree of complexity of law of any American citizen. The degree of complexity depends on whether he is reservated but is off the reservation, or nonreservated (one whose tribal group has never been reservated).

Indians are the fastest growing ethnic group in the country, which is all the more reason for our trying to meet their pressing problems and helping them become acculturated into the mainstream of American life, he said.

A hundred years ago there were approximately 9,000 Navajos. Today there are 10 times as many.

"There are many more Navajos living at a substandard level of existence today than there were a hundred years ago, yet they have a reservation the size of the State of West Virginia," he said.

"One of the more shocking things the subcommittee has encountered has been the great discrepancy in the justice the Indian receives. This depends upon whether his justice is meted out by a tribal or traditional court or a court established by the Federal Government, such as the Courts of Indian Offenses or a State court."

Creech conducted subcommittee hearings and investigations on the Indian study in Colorado in June 1962, and in California, Nevada, Arizona, and New Mexico in 1964.

"One of the facts to come to light during the hearings was that up until May of 1960, the courts established and administered by the Bureau of Indian Affairs not only would not permit an Indian defendant in a criminal case to be represented by legally trained

counsel," he said, but actually had regulations precluding the defendant's having such representation, notwithstanding the mandate of the sixth amendment to the Constitution. This regulation of the Department of Interior was held unconstitutional by a district court in 1960, and was finally rescinded in May of 1961 by the Secretary of Interior."

An often overlooked fact in North Carolina is that the State has the fourth largest Indian population in the United States. Within or adjacent to Cherokee Reservation are 5,500 Indians, according to the 1962 census. The 1960 discennial census showed a total Indian population for the State of 38,129. "We have thousands of nonreservated Indians in eastern North Carolina, as well as those at Cherokee," he said.

In April 1961 a regional meeting at Pembroke State College was held in preparation for the Chicago Conference of American Indians in June of that year. Creech participated in both meetings. He addressed the National Congress of American Indians at Lewiston, Idaho, in Septembsr of 1961 and attended the Association on American Indian Affairs Convention in New York City in March of 1962.

Creech was also participant in the annual convention of the National Congress of American Indians held at Cherokee in September of 1962.

STUDY COMPLETED

After 3 years of research, field investigation and hearings, the subcommittee has completed its investigation of the constitutional rights of the Amsrican Indian. "This study encompassed a review of laws and regulations affecting Indian citizens; the administration of law for Indians by Federsl, State and tribal governments; and the protection of rights under the tribal courts system," Creech asserted.

Creech has made a number of trips in connection with the subcommittee's study of the constitutional rights of military personnel. In July of 1962 he participated in field investigations at various installations in Germany, France, and the United Kingdom over a 3-week period. During that summer he addressed the annual meeting of the Naval Reserve Officers' Association in San Francisco.

In the fall of 1962, Creech, at the invitation of the Air Force, visited NATO bases and inspected installations in England, Norway, Germany, Italy, and France. In September of 1963 he went to Berlin to attend a meeting arranged by the Federal Bar Association. While there he was a guest of the West German Government and met with members of the German bar and judiciary.

In 1963 he went to Chicago to attend the American Bar Association's annual convention, where he had been invited to appear before the military law committee of the association. He also addressed the annual meeting of the Judge Advocates Association at this time.

He is considered an authority on the Near East and from 1949 to 1951 was economic assistant at the American Embassy in Baghdad. From 1952 to 1954 he was on loan from the Department of State to the Department of Commerce as international economist and area specialist on the Near East.

The following 2 years he served as economic officer at the American Embassy in London. He was a professional staff member of the U.S. Committee on Small Business for 3 years, later serving a year as counsel for the committee.

He returned to Smithfield, where his mother lives, to practice law with the firm of Levinson and Levinson in 1959. A member of the Johnston County Welfare Board, he was North Carolina State chairman of the March of Dimes in 1960 and 1961. He received the Smithfield Junior Chamber of Commerce distinguished service award as "Man of the Year" for 1960. Long an active member of Centenary Methodist Church, he taught a Sunday school class. He was also on the Tuscarora Boy Scout Council.

AID TO HUMPHREY

In 1961 he was assigned as an aid to the deputy majority leader Senator HUBERT H. HUMPHREY, at the Senator's request, to travel with him to the Near East.

"During the slightly less than 3 weeks we were gone, Senator HUMPHREY conferred with the chiefs of state of five countries within an 8-day period," he said. "I was privileged to participate in discussions the Senator held with the then Prime Minister Ben Gurion of Israel, and the then Prime Minister Constantine Caramanlis of Greece. While in Jordan we met with King Hussein."

Collecting clippings has been one of Bill's hobbies since he was in school and he enjoys thumbing through them on subjects ranging from the Italian-Ethiopian campaign and the Spanish Civil War to the Sino-Japanese War.

During his boyhood his father, the late Charles A. Creech, took Bill to practically every section of North Carolina. "He was State superintendent of prison camps and farms—there were over 90 of each—and I used to go with him to visit them. We also visited central prison in Raleigh frequently. Dad was interested in traveling and in people—all kinds of people. He felt that everyone had something to offer and that each of us could learn a great deal from others.

ENCOURAGED BY FATHER

"He was particularly interested in government, in history and politics and he had a broad social consciousness. He encouraged my interest in these and so many other subjects when I was a boy. Dad was interested in prison reform, in improving conditions, in work projects, in rehabilitative programs designed to train these men to become useful citizens. He even assisted one prisoner in reading law. After the man was released from prison, he passed the bar and was admitted."

Bill himself has strong convictions that one of the strengths of this country is its deep concern for its people and the peoples of other nations.

"This is an American heritage—understanding and compassion for others," he said, "and I think Americans who travel to other countries feel this keenly."

Bill is a graduate of the University of North Carolina with an A.B. in political science; attended the University of Oslo, Blindern, Norway; studied history and economics at George Washington University; received a certificate in English and Comparative Law, City of London Law School, and has an LL.B. degree from Georgetown University.

Last fall the American Bar Association Journal carried an article by him on servicemen's rights and 18 bills were introduced as a result of the subcommittee's work in this area. Although Bill lives in Washington, he maintains close ties with his hometown, where he visits his mother frequently. He is a member of the Johnston County Historical Society, is interested in the Bentonville Battleground Restoration and is furnishing a room at the Harper House. He was on the 1964 Governor's Symphony Ball Committee. In Washington, he is on the board of directors of the capital chapter of the National Foundation.

He is in demand as a speaker on constitutional law and his engagements have taken him to law schools and a number of national meetings in various States, including an address to Peace Corps trainees at Indiana University.

IDEALS, PROGRAM, AND REPSONSIBILITY

Mr. MCGOVERN. Mr. President, on June 23, the distinguished senior Senator from Minnesota [Mr. HUMPHREY], addressed the Women's National Democratic Club, in Washington, D.C. It was an extremely inspiring address. Senator HUMPHREY addressed his fellow Democrats on the principles on which that party—or any party—should campaign. Politics is not simply the use of power, he said; rather, the best politics is the exercise of responsibility. He urged his party to take the high road of principle, of idealism, and of vision. To win an election is not the only task of a political party; it must also hold itself to a higher task of deserving to win an election. A party asks for the privilege of governing. It has a public trust. Any party must remind itself of this constantly.

This political address by Senator HUMPHREY achieved the high plane and exemplified the quality of moral responsibility in which politics can and should be conducted. Senator HUMPHREY hopes, as do I, that the coming national campaign will have this quality. He has so urged his party. I commend the spirit of his address to the members of all parties; and I ask unanimous consent that the address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LABORERS WORTHY OF THE HIRE

(Address of Senator HUBERT H. HUMPHREY, Democrat, of Minnesota, to Women's National Democratic Club, June 23, 1964, Washington, D.C.)

I wish to pay my respects this evening to the Women's Democratic Club for the great role it has played in the big decisions of American politics. The Democratic Party and the American people are in your debt.

I do not come here to convince you of the many virtues of the Democratic Party. Rather I am delighted to come to share an advocacy. Democrats are essentially advocates. Let those dwell in negation who are not sure what they believe. I believe in advocacy, in the affirmation of a positive faith. Here I find myself at home.

Of course there must be substance to our enthusiasm. We must weigh causes carefully and look at the great issues with the impartiality of a judge. But I have looked at the causes to which we have given devotion. I have weighed the issues, and I have come up with one conclusion: We have been right—the Democratic Party is worthy of the public trust.

I need not remind you either that this is an election year. And we must not underestimate the importance of this election year. I believe that this coming campaign will be hardsr fought than many of us now believe. Therefore it is our duty now to take an inventory, to find out where we stand, to ask what we have been doing and where we are going. In short we must give a fair account to the American people of our stewardship. We owe that to the people and we owe it to ourselves. To govern is a responsibility. It does not permit the extravagance of emotional or irrational behavior.

I know that a new sense of responsibility came to me when I took the job as the majority whip in the U.S. Senate in January 1961. When I assumed that responsibility I sacrificed a certain freedom of action. One cannot take on the responsibility of leader-

ship without taking on some extra burdens of responsibility. It takes more self-discipline. And if you ask discipline from others, you must have it yourself.

When the Democratic Party, through its elected President—our late and beloved John Fitzgerald Kennedy—took on the task of governing this Nation, it also assumed many duties and many responsibilities. The Nation was confronted with a host of serious problems. But when John Kennedy, with a humility that sensed fully the magnitude of those problems, said simply, "I welcome them," he made us all more adequate to our duties.

I am not here to recount history. The key to the success of the Democratic Party is to attack the problems of the present and to look to the future. We feel no mandate to dwell in the past, much less attempt the impossible of returning to it. We would use the inspiration of the past, its source of reference, its residue of experience, to meet the new duties of new occasions. From the past we have learned the lessons of responsibility.

Only the inexperienced in politics dream of the luxury of being freewheelers. Only the neophyte thinks he can—or even should—be able to pick and choose as he pleases, with an untrammeled independence of action on all issues and occasions. In conscience he may have liberty, but likewise in conscience he is denied license. The Democratic Party has learned that.

This party has governed this Nation since 1933, with the exception of 8 years. And in 6 of those 8 years, the Democratic Party had a majority in the Congress. We have learned that we have no right to be frivolous. We have learned that we have no right to look lightly on any subject or issue of the day. We have learned in each year to ask ourselves: "Have we kept the public trust? Has the public consensus been found? Have we protected not only the heritage of the past, but the options of those unborn?"

A party in power for a long period of time may drain itself of leadership, or become complacent. Equally, a party long out of power is tempted to seek control for the sake of control—to assault in desperation what it has not earned in merit.

I can speak best for the Democratic Party. That party has been responsible to its trust. The Democratic Party has been able to receive new strength. It has drawn a fresh vitality, year after year for more than 30 years.

President Lyndon Johnson has long been a leader in the Democratic Party. One particular attribute of character—one great hallmark of his leadership—began when he was the majority leader of the Senate during the 6 years of the Eisenhower administration when the Democratic Party controlled the Congress. Lyndon Johnson taught us in those years, he preached to us, lectured us—and sometimes cajoled us if you like—on the theme of the Democratic Party being responsible to the whole Nation. He cautioned not to be loose on fiscal policy. He reminded us that foreign policy was above partisanship. On any and every domestic issue he counseled us on the duty of a party entrusted with the responsibilities of a majority.

Today the President of the United States still exemplifies in word and deed the same thought, the same philosophy, and doctrine which he gave us then as the Senate majority leader. He insists that the Democratic Party be a party of responsibility. And so I emphasize tonight the theme of responsibility—the theme of being laborers worthy of the hire in the vineyard of democracy.

Perhaps anyone can preach. At least the world is full of good advice. President Johnson has not been content with mere preachment. From the heritage of the American past, but projected to the future, he has captured that vision which converts duty into a drive. He has created a cause in which we can step forward to enlist. He has recovered the eternal wisdom that "without vision the people perish." We have been given the vision of "the great society." It is the same vision of the Founding Fathers. But it is the idiom of the 20th century, and challenges our greater powers to achieve it. The American ideal has been made fresh again.

People need ideals, not just ideas. It takes ideals to lift a man, a nation, a party—to restore a spirit and fortify a will. It takes an ideal to lead.

I have said that President Johnson drew his ideal of the great society from the spirit of the American past, from the dream that brought forth on this continent "a new nation, conceived in liberty and dedicated to the proposition that all men are created equal." President Johnson has also drawn his ideals from the great commitments of the Democratic Party. Most recently, President Kennedy described our goal as "the new frontier." That was his way of putting the challenge of new opportunities before this land and people. Partly in jest, one may say of another political party that instead of a new frontier, it has been groping in vain for a "lost horizon."

In a recent telecast, President Johnson, gave a simple definition, without slogans, of the "great society." Reporters asked him: "Mr. President, Franklin Roosevelt had the New Deal; Harry Truman had the Fair Deal; John Kennedy had the New Frontier. What will you call your administration?" In the quiet, restrained and thoughtful manner so characteristic of him, President Johnson replied: "I suppose that what this administration seeks for the American people is a better deal, a better life, a better world, a set of better circumstances, not only for the many, but for the few."

This is an enduring commitment of the Democratic Party. As Franklin Roosevelt, the early mentor of Lyndon Johnson stated it, we do not seek to have government add to those who already have too much. We seek a government that makes it possible for those with too little to have enough. There is no need to enhance the privilige of a few. There is need to give opportunity to all.

I am emphasizing responsibility, vision, and the better life tonight because I want Democrats to recognize in this year of 1964, that our task is to maintain the high ground of idealism. It is our duty to take the high-road of principle. Our job is to speak up for America at its best; for America as we want it to be, and the world as it must become if there is to be peace on earth. This is the responsibility we must not fail. I do not say we would lose the election if we lowered our gaze. Elections can be won on lower roads as well as higher. Politicians can win election, but only statesmen deserve to. I want the Democratic Party on the high road. I want us to win because we are responsible to the trust we seek—the trust of all Americans.

I say this because frankly I have the feeling that we shall be opposed this year with more desperation than usual. Our opposition will appeal to the passions of the people, instead of to reason. There may even be a tendency to pit group against group, or section against section; to divide the house of America instead of to unite it. I hope it will not be so, but I believe it may be so. In any case we must shun every temptation to travel such a road. Any party that takes that route will be unworthy of the public trust, even though it wins the election.

What this Senator seeks to do tonight then, is to remind you of the high ground, to ask you to stand this year even a little taller, to draw even more deeply of a cleaner air, to think even more in terms of political refinement. I ask you to set your standards a notch higher than usual, and don't be afraid of such a stand.

You have asked me to speak also of civil rights and the legislative record. I am pleased to do so because I believe that the record of the Democratic Party here gives substance and texture to the theme I would leave with you of meriting the public trust. We have kept the faith.

Let me be brief on civil rights—you can read the papers—and clarify the issue as I have seen it.

I became involved in civil rights long before I ever came to Congress. My concerns began in a small town in South Dakota. They continued later in a city in Minnesota. The husband of Jane Freeman—Orville Freeman—was a young lawyer just graduated from the University of Minnesota, and was helping me, without pay, when I was mayor of Minneapolis. Orville Freeman wrote the first municipal fair employment practice ordinance that was ever written in the United States of America. We passed it. We made it a fact of law.

Civil rights has nothing to do with getting a Negro vote. The Democratic Party has been getting Negro votes without civil-rights legislation, I am not sure that being for civil rights is a plus issue in getting votes.

Civil rights is an issue of morality. It is an issue that goes to the heart of the whole struggle in the world today. It is the issue between the Communist and the freeman. It is the issue between those who believe in colonialism and those who believe in democracy. It is an issue of human dignity. Civil rights transcends any and all political parties. It goes to the core of democratic thought and experience.

Speaking for the Democratic Party, we have no choice as a party worthy of the respect of the Nation except to come to grips in our own community with the issue of human dignity. You cannot treat people in a society that is supposed to be united—the United States of America—as if some persons are inferior to others. You cannot have a first-class citizenship for some and second-class citizenship for others. You cannot deny the morality of human dignity and survive as a free people. And so the Democratic Party came to grips with the issue of human rights and constitutional guarantees.

Tonight, in this Democratic club, I want to praise my Republican associates who put their country above party. Because of this, our Nation, and we as elected representatives of the people without regard to party, were able to pass civil rights legislation which was long overdue. The civil rights legislation just passed, will do more for this country at home and abroad in the days to come than any single act of this century.

The civil rights issue illustrates that idealism is the best politics. The essence of politics is not power. Politics deals with power to be sure—but under the moral imperative to order it with justice. The essence of politics is to ask the continuing question: "What is right; what is just?"—and to find the answers a conscience can live with. This is the obligation of a free society.

In the main the Democratic Party has done well with this obligation. No political party can claim perfection. A political party, after all, is made up of people. We are many different people in America, with many different attitudes. America is a large country. There are many different cultural patterns, diverse social and economic interests, and many variant visions of what is good. The rich diversity of the American pluralism is its greatest strength, but it sets a pace of movement in terms of what we can do together.

I do not believe any section of this country can be condemned as being the only section that practices discrimination. Nor do I

believe any section of this country has a monopoly on justice. In some places segregation and discrimination have been sanctioned by law. In others it has been enforced by habit and custom. Neither is good, and I shall be the first to admit that it will be harder to erase the custom of prejudice than it was to remove the inequity in the law.

We have succeeded in establishing a framework in the law, within which we can put the burden where it belongs—on our hearts and spirits—to work out the problems of human relations. The wounds of the controversy have been ended. The time of healing has only begun.

It is a wonderful, wonderful feeling, however, to know that this country has finally reaffirmed the faith it declared in 1776. We have found again that doctrine of the inalienable rights granted to every man by his Creator—the rights of life, liberty, and the pursuit of happiness. As we have found again our own inner heart, we are entitled once again to a decent respect from the opinions of mankind. It will serve us well in the difficult days ahead.

As for the legislative record of the Democratic Party in recent years, it should give a pardonable pride to any party. As a Democrat I am proud of it.

Less than a year ago the newspapers were giving the 88th Congress a bad time. The 88th, they said, was a "do-nothing Congress." It was "paralyzed." It was in a "logjam."

Last September I was in New York and speaking on the 88th Congress. I quoted generously from the press. I quoted the condemnations of Congress as "fumbling, bumbling, dropping the ball, failing to come to grips with the issues of our time," et cetera. Then I revealed that my quotations were from a report in the New York Times on the 63d Congress—not the 88th.

There never has been a time when there has not been criticism of the elected representatives of the American people in Congress. I suppose this is to be expected and somewhat desired. But, as I say when I am out in Minnesota on the hustings: "No matter how warm the hen, it takes 21 days to hatch an egg." No matter how diligent the Congress, how able the leadership, or how inept, it takes a certain amount of time to process legislation.

I ask my fellow Democrats and fellow citizens this year, however, to remember the 87th and 88th Congresses. Those are the Congress that you must base your appeal to the voters on—and believe me, you can do it with pleasure. The 87th Congress, 1st and 2d sessions, was a remarkable Congress. The 88th will go down in history with many, many merit badges, and many, many awards. Let me review the record:

First of all, don't forget, my fellow Americans, where you were on January 19, 1961. You were not only in a Washington snowstorm. You were in an America that was in retreat. You were in a nation that was beginning to lose its sense of dignity and power and majesty. You were in a nation where the economy was faltering. The rate of unemployment was rising rapidly and the gold reserve was leaving the country. People tend to forget things like this.

One day later, on January 20, 1961, a brave, brilliant, vital, intelligent young man, elected in a hard-fought campaign by a very close margin, stood before the American people and called them to action. It was no uncertain trumpet he sounded. It was a clear charge from the trumpet to go forth and get the country moving again.

President Kennedy's challenge must still be vivid in our memories. "Ask not what your country can do for you" he said, "ask what you can do for your country." Again he reminded: "If a free society cannot help the many who are poor, it cannot save the few who are rich." On what was to be a recurring theme of peace he noted "Let us never negotiate out of fear. But let us never fear to negotiate." He was electrifying. He gripped not only his fellow Americans—he found the ears of mankind around the world.

Speaking of many problems, he said simply "Let us begin." And we did begin. Your Congress and your Executive worked together from the beginning. We did not perform miracles, but we did begin the job of governing. We started to rebuild our foreign policy. We began to strengthen our national security. We started on domestic issues of many kinds, not least being to improve the economy.

It is no miracle or mystery why Mr. Khrushchev is more respectful of the United States of America today than he was, let us say, 5 years ago. Today he confronts a nation with superlative power. He knows that we have the will to use that power if necessary, the self-confidence to restrain it when it is not needed, and the wisdom to know the difference. He respects a firmness that is not belligerent, and he does not mistake forbearance for weakness.

Mr. Khrushchev knows also that he confronts a nation that is as strong economically as it is politically and militarily. And it is not any miracle that we have this strength because we planned to have it that way. We started out with one program after the other—housing, minimum wage, social security, agriculture, investment tax credit. We did begin.

The Democratic Party has always included labor, minority groups, and various underprivileged in the consensus it has sought. We shall continue to do so of course, as a party of all the people. Yet I want you to remember also that no political party in the history of America has ever been more responsible and more earnest about the American system of free enterprise, than has the Democratic administration of Kennedy and Johnson. We have legislated tax credits. We have given accelerated depreciation allowances. We have passed in this 88th Congress the greatest and largest tax reduction in the history of this Republic. The purpose has been to free the productive powers of our private economy to achieve its potential in growth, and its power to service our people in jobs as well as goods and services.

We can remember the 87th and 88th Congresses for higher education. Not since the time of Abraham Lincoln has there been enacted a broader program for education. We have not yet finished this task, but we have made a great and significant start.

The Democratic 87th Congress gave America the Trade and Export Expansion Act. We are prepared for world trade competition. We seek new markets. We are expanding our commerce.

If the 88th will be known as the Education Congress, it will also be known as the Health Congress. This Congress launched for the first time by the Government, a frontal attack upon mental health and the problems of mental retardation.

For passing civil rights legislation the 88th will be known as the Freedom Congress.

The 88th will also be the Congress of Economic Opportunity for its programs of public works, area redevelopment, tax credit, and tax reduction, and the war on poverty.

These are some of the milestones we can take to the American people.

We have had our heartaches in the past 4 years and much to grieve about. But what a test it was of our whole system of Government and of our people on that black Friday of November 22, 1963. I do not wish to dwell on those emotions. Suffice it to say that all of us, with millions around the world, felt the pain of suffering and sorrow. But America did not stop moving. And I suppose that just as John F. Kennedy will always be remembered for saying "Let us begin," the words of Lyndon Johnson in address to Congress on the 27th of November will also be immortal. They were: "Let us continue."

I want to say to Democrats here tonight that this commitment to continuity is more than a political commitment to a man. Ours is a commitment to the American people. Ours is a commitment to the platform we laid out in 1960. It is a commitment to continue the Kennedy-Johnson program developed in concert with the leaders of Congress.

I believe that I have been a part of those discussions. I have heard the President of the United States speak to his legislative lieutenants and to his Vice President. I have heard the Vice President of the United States give his views to the President. I witnessed the formation and development of the program we call the Kennedy-Johnson administration program. I watched these two men develop it together and I saw what went into it.

President Johnson then was no stranger to the tasks it became his to administer. He came into it as a working partner. When he spoke of continuing, he spoke of that to which he had given of his own thought, work, and energy. And so we did continue what we had begun. We passed the legislation the President laid before us.

Perhaps the best demonstration of it was the passage by the Senate of the United States in a vote of 73 to 27, of the civil rights bill, just 1 year to the day after President Kennedy sent the legislation to the Congress. That was "Let us continue."

We can go to the American people with this record. I believe that the American people will respond as the master of the house responded to those servants who used their talents well.

The Democratic Party has not buried its talents. It has invested them for the welfare and improvement of the people it serves, and I believe the people will continue our stewardship.

I want to emphasize tonight that just as President Johnson has put vision into a duty, he has added humanity to statistics. Our record tonight is not embalmed in economic indicators, in bits of information that the gross national product has soared well over $600 billion, or the other charts that say we are indeed moving ahead.

President Johnson's eye has fallen on the individual who cannot be pictured on a graph. He has noticed the persons who have fallen through the cracks of the affluent society, the impoverished elderly lost on the back street, the nameless youth who can't get a job, the man whose skill has been made obsolete but he still has a family to support. Lyndon Johnson has noted this with the eye of compassion. He has reminded us that to do something about it is part of our spiritual doctrine, and therefore must be part of our political doctrine.

In the midst then of unprecedented prosperity the President has called attention to unfinished business. He is unconcerned about what the Communists may make of it as propaganda abroad, or what any political critics may say at home. He has identified a flaw in our social body and has declared without qualification that "we are going to declare war on poverty in America."

It is not only the poverty of the purse, not only the poverty of income, which must be conquered. It is the poverty of the spirit, the poverty of illiteracy, the poverty of sickness, the poverty of hopelessness, the poverty of frustration, and the poverty of bitterness that must be vanquished. The President has not asked for a token battle. He has demanded an all-out war. This is a new challenge to the American conscience.

There is nothing new about poverty. The Scriptures record that "the poor ye have always with you." That was not noted as

a counsel of complacency however, but rather as an urgency to help them. What is new about poverty today is that we can do something about it. Therefore we must. We have the means to eliminate it. We are a people graced and blessed with the technology, the science, the resources, the intelligence adequate to give opportunity for all above the level of privation. We can do no other than wage a war on poverty. We have a moral responsibility.

I am delighted as a Democrat that I have been privileged to enlist in this cause. We can win it and we ought to make it a great crusade. We ought never to rest one single day as a party or as individuals until we have made sure that everyone in America has the opportunity to stand in economic independence.

In the long run this means a major investment in education in America, for here is the chief source of the new wealth in America. The development of brainpower plus character is the key to the great society. We must see to it that everyone in America has an opportunity for the best of education to the limits of his ability. The most serious deficit this Nation faces is in education. It is not the budget deficit that imperils us. It is the intellectual deficit that is allowing people to fall behind in the economic struggle and which is putting brakes on our power to create new wealth. We must invest money to make money. We must pour much more of our substance into education. This is not waste. This is not even spending. This is genuine investment—this is finding talent and putting it to work to increase many times over. This party of ours ought to champion the cause of enlightenment and have no fears of those who talk about it as spending and waste.

And we can win the struggle to help our elderly people. This society has been generous with youth. It provides much for those in the full bloom of life. Surely we can, and surely we will provide for those in the twilight of life. Therefore, we can pass hospital and nursing home care. We have an obligation and responsibility here, too. Old age should be lived in serenity and dignity. The young who do not respect age, will come to hate their own future.

Brooding over all our other concerns, of course, in this latter half of the 20th century, is the concern for peace. Since the close of World War II the world seemed to be on a slow but steady collision course with disaster. The accelerated race for thermonuclear weapons pinned us on a pervasive anxiety. Yet since 1961 there have been great movements toward peace. The world is not yet safe, and peace is not secure, but we have a new lease on hope, and a new reason to believe that we can take the first steps in a new direction away from war.

We began to sense it in President Kennedy's address at American University on June 10, 1963. The point that "peace is a process" was made simply, but eloquently clear. The truth that "war is not inevitable" was given a new conviction and determination. This address will surely be one of the great state papers of all time. If Democrats, Americans, Republicans will study it, we shall be less impatient, we will be more understanding, and we shall have a new determination to heed the President's words when he said "we must persevere" in the cause of peace.

In these last 4 years we have had striking evidence of that perseverence for peace from at least four apostles of peace who gave their lives for it.

Dag Hammarskold gave his life for peace in a very real sense. He died in the Congo while seeking the answers, relentlessly pursuing the formula for peace in that part of the world. Indeed, the quest for peace had come to dominate his every concern as Secretary General of the United Nations.

In these years, too, we lost that great lady, Eleanor Roosevelt, and we realized that she, too, had given her life for peace. She has been in this club many times. She inspired us so frequently. I never knew her to speak unkindly of anyone. She died as she lived, in lifelong dedication to the cause of peace.

We have just lived through a time also when a peasant who was a parish priest, rose to become the chief prince of his church, and gave his life for peace. Pope John XXIII will be remembered as will few in our time, or any time. His great Easter "gift" as he called it—"Pacem in Terris"—is one of the most moving and magnificent documents for peace and justice that has been given to mankind. Again the overtones of this message soared beyond its content. He addressed "all men of good will." His astounding faith that there were such, everywhere, penetrated both the disillusioned of spirit and the hard of heart. He addressed the natural reason of men, even behind the Iron Curtain. Perhaps no one in our time got closer to the heart of humanity than did Pope John.

John Fitzgerald Kennedy gave his life for peace—for peace at home and abroad. He fell indeed the victim of a tormented mind. Even more, he was the victim of a tormented society, a society that has been infected with hate, bitterness, and extremism. His was indeed a sacrifice for peace at home. But a world shared our grief because they believed his cause encompassed theirs.

I could give other evidences of change in the world, of movements in foreign policy and in the actions of nations, which would also suggest that this still untidy and restive world is wrenching itself away from the path of war. But what I say to my fellow Democrats is this: That because we have had such a close association with all of these great personalities and with all of the policies and programs I have mentioned, we cannot approach the campaign of 1964 as if it were just another election. It is not, in any sense. Every election in America is important, but elections now in America are vital. They determine not only the future of this Republic. They hold in balance the fate of the world. Once again then I make the appeal with which I began. I appeal to the Democratic Party to take the high road of principle and ideals; of wisdom and courage.

The American people want to be better; they want to believe; they want to be good; they want to have faith; they want to have ideals. Above all they want political leaders and a political party that makes them understand the importance of those ideals. Therefore, whether we are a precinct worker, a Congressman, a Senator, an officer in this club, a member of the Democratic National Committee, or just a plain citizen—whatever we are—we have a responsibility in this campaign. We must be worthy in our conduct, of the memory of John F. Kennedy. We have an obligation to carry forward the declaration of faith and the program of this party of Lyndon Johnson. We have the obligation to prove that we are worthy of the faith and trust of the American people as a party that is responsible, constructive, progressive, and idealistic. In the words of John Wesley's great hymn "We have a charge to keep."

That is why I came to you tonight, to urge you to be worthy of it. Thank you.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

There being no objection, the Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AMENDMENTS TO NATIONAL DEFENSE EDUCATION ACT AND IMPACTED AREAS LEGISLATION

Mr. MANSFIELD. Mr. President, if the distinguished chairman of the Committee on Foreign Relations will approve, I should like to ask unanimous consent temporarily to lay aside the pending business.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1212, Senate bill 3060, which I understand will take little time.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3060) to amend and extend the National Defense Education Act of 1958, and to extend Public Laws 815 and 874, 81st Congress (federally affected areas).

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. MORSE. Mr. President, I ask unanimous consent that the professional staff members of the Committee on Labor and Public Welfare be permitted the privilege of the floor when Senators engage in debate during the discussion of the bill S. 3060.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, in opening the Senate debate on S. 3060, a bill to extend for 3 years, and to amend the provisions of the various titles of the National Defense Education Act of 1958, and which also extends for 2 years the provisions of the impacted areas legislation, Public Laws 815 and 874, I wish to express to each of the members of my subcommittee who sat with me and who worked with me in our executive sessions my deepest appreciation.

This bill bears upon it the mark of our combined judgment in almost every area. In particular, I wish to express to the junior Senator from Vermont [Mr. PROUTY] and to the senior Senator from

New York [Mr. JAVITS] my appreciation for their willingness without compromise of principle, to work diligently in hammering out conscionable compromises of language and intent. I wish to thank also the junior Senator from Idaho [Mr. JORDAN], who was most helpful.

To the very distinguished Senators on my own side, the senior Senator from Michigan [Mr. MCNAMARA], the senior Senator from Texas [Mr. YARBOROUGH], the senior Senator from Pennsylvania [Mr. CLARK], the senior Senator from West Virginia [Mr. RANDOLPH], and in particular to our beloved chairman, the Senator from Alabama [Mr. HILL] the author of the Hill-Elliott Act of 1958 which we now seek to continue, I can only say, thank you from the bottom of my heart for the help you have been to me and to the boys and girls of America who will be the beneficiaries of this legislation.

Mr. President, before I present a brief summary of the principal provisions of the bill, there is one point I should like to discuss. In our executive session, it was indicated that there were members of the committee who, although they were not cosponsors of S. 580 upon its introduction, nevertheless in view of the fact that the bill then being reported was the product of the combined thinking of members of the committee on both sides of the aisle, wished to have their names appear on the bill when it was reported. We sought to find a way in which this could be done. Unfortunately, since the bill being reported was an original bill from committee, the advice we were given was that to do so at this stage would be contrary to the precedents controlling in the Senate.

I sought then yesterday when I filed the bill, to indicate the sense of the agreement reached in the committee by requesting unanimous consent that at the next printing of the bill in the Senate the names of those Senators who had expressed a desire to do so should be added as cosponsors. This procedure, too, it was found later, was contrary to the precedents of the Senate.

I, therefore, Mr. President, wish to announce that were it possible the following Senators had expressed to the bill clerk their desire to be associated with this legislation:

Senators CLARK, COOPER, FULBRIGHT, HILL, HUMPHREY, JAVITS, KENNEDY, KUCHEL, MANSFIELD, MCNAMARA, METCALF, PELL, PROUTY, RANDOLPH, WILLIAMS of New Jersey, and YARBOROUGH. To each of them again I express my deep appreciation.

AMENDMENTS TO THE NATIONAL DEFENSE EDUCATION ACT

TITLES I AND II NATIONAL DEFENSE EDUCATION ACT AMENDMENTS

These titles of the National Defense Education Act are the general provisions title and the student loan title. The committee made one change in the general provisions which will permit some 35 accredited nonprofit private business schools to come within the purview of the student loan program established under title II of the act.

In title II the language has been broadened to permit part-time students, defined as students who are carrying at least half the normal academic workload program, as determined by the institution, to obtain the benefits of the student loan program. This necessitated an increase in the funds authorization for student loans. Currently, $135 million is authorized for this purpose. If the bill is enacted, as I hope it will be, $145 million would be authorized for this fiscal year; $165 million would be authorized for the fiscal year ending June 30, 1966; $180 million for fiscal year 1968; and $195 million for fiscal year 1969.

The committee learned that there were seven large universities in the Nation which are currently handicapped by the $800,000 institutional loan ceiling in the present law. I ask unanimous consent, Mr. President, that a table which may be found in the committee report listing the seven institutions and the amounts of money they are requesting for the academic year 1964–65, be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Institutions requesting $800,000 and over for academic year 1964–65 (as adjusted) as of May 20, 1964

	Approved request
California: University of California, Berkeley	$942,300
Indiana: Indiana University	1,561,500
Kansas: University of Kansas	850,500
Massachusetts: Harvard University	1,194,400
Michigan: Michigan State University of Agriculture and Applied Science	848,220
Minnesota: University of Minnesota	1,102,500
Wisconsin: University of Wisconsin	1,067,723
Total, 7 institutions	7,567,143

Mr. MORSE. Mr. President, by removing the $800,000 loan limitation, the committee has, while giving relief to the larger institutions, also assured itself through inquiry of the Office of Education that no small institution nor the students attending it would be handicapped in any way by this change in the statute. As chairman of the subcommittee, I insisted upon obtaining the findings of fact to justify this change, otherwise I would not have been in favor of lifting the ceiling.

The information we received was to the effect that sufficient funds are authorized to meet the reasonable requests of all institutions large or small.

A further change in title II affects the forgiveness feature of the present law. Senators are aware that students who have borrowed money who teach in public elementary or secondary schools may have up to 50 percent of their loan indebtedness cancelled. Last year the Senate considered and passed S. 569, a measure introduced by Senators PROUTY of Vermont and KEATING of New York, which would have extended this loan forgiveness principle to teachers in the private nonprofit elementary and secondary schools and to all teachers in institutions of higher education.

Since as yet, the House of Representatives has taken no action on S. 569 but instead has included a similar provision in legislation which parallels the measure we are now debating, it seemed to the committee prudent to incorporate in these amendments the loan forgiveness feature previously passed by the Senate.

I would make note that the amendments in S. 3060, unlike the House counterpart, preserve in section 204(4) of the National Defense Education Act the special consideration of that act for students with a superior academic background who express a desire to teach in our elementary and secondary schools. It was felt that since the provisions of titles III and VI of the act have been broadened, it would be well that students in such areas be given consideration in connection with their financial needs and therefore, the committee replaced the language previously in the act giving special consideration to "students whose academic background indicates a superior capacity of preparation in science, mathematics, engineering, or a modern foreign language" with the phrase "other students with a superior academic background."

It had been related to the committee that graduate students found the loan limitations of the present act onerous. Therefore, in this area the committee has recommended that a graduate or professional student be permitted to borrow up to $2,500 a year but that the aggregate of the loan made to any one individual who is a graduate student may not exceed $10,000.

It was felt that the superior debt repaying capacity of the graduate student based upon his educational attainment made such a change feasible.

We must must not forget that many of these young men and women are married and have family responsibilities.

Senators will find in the committee report a full description of the changes I have noted and certain others which are of a minor or technical nature, but I would call particularly to their attention the table in the report which gives the estismated distribution of the loan funds in each of the fiscal years and in order that this may be readily available I ask unanimous consent that the table in the report headed "Estimated Distribution of Legislative Authorizations" for title II loan funds be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Estimated distribution of legislative authorizations, title II, sec. 202(a), student loans

	Fiscal year 1965	Fiscal year 1966	Fiscal year 1967	Fiscal year 1968
Aggregate United States	$145,000,000	$165,000,000	$180,000,000	$195,000,000
50 States and District of Columbia	144,002,783	163,865,235	178,762,075	193,658,914
Alabama	1,993,727	2,268,724	2,474,971	2,681,219
Alaska	58,432	66,492	72,537	78,581
Arizona	1,474,391	1,677,755	1,830,279	1,982,802
Arkansas	1,200,747	1,468,781	1,602,306	1,735,832
California	15,038,526	17,112,805	18,668,514	20,224,225
Colorado	2,015,798	2,293,839	2,502,870	2,710,901
Connecticut	1,839,228	2,092,914	2,283,179	2,473,444
Delaware	283,107	322,156	351,443	380,730
Florida	3,293,481	3,747,755	4,088,460	4,429,164
Georgia	2,401,056	2,732,236	2,980,621	3,229,006
Hawaii	504,433	574,010	626,193	678,375
Idaho	569,609	648,176	707,101	766,025
Illinois	7,176,804	8,166,708	8,009,136	9,651,564
Indiana	4,154,403	4,727,423	5,157,191	5,586,956
Iowa	2,755,011	3,135,696	3,420,759	3,705,822
Kansas	2,361,393	2,687,103	2,931,385	3,175,667
Kentucky	2,049,235	2,331,888	2,543,878	2,755,868
Louisiana	2,636,436	3,000,082	3,272,817	3,545,551
Maine	597,246	679,624	741,408	803,192
Maryland	2,040,605	2,322,068	2,533,165	2,744,262
Massachusetts	5,579,464	6,349,046	6,926,232	7,503,418
Michigan	6,266,174	7,130,474	7,778,699	8,426,924
Minnesota	3,511,695	3,996,066	4,359,345	4,722,624
Mississippi	1,715,053	1,951,612	2,129,032	2,306,451
Missouri	3,584,134	4,078,497	4,449,270	4,820,042
Montana	660,960	752,127	820,502	888,877
Nebraska	$1,373,608	$1,563,072	$1,705,169	$1,847,266
Nevada	156,621	178,224	194,426	210,629
New Hampshire	586,493	667,388	728,060	788,732
New Jersey	2,788,718	3,173,369	3,461,857	3,750,345
New Mexico	739,530	841,534	918,037	994,540
New York	11,671,520	13,281,386	14,488,784	15,696,183
North Carolina	3,644,547	4,147,243	4,524,265	4,911,287
North Dakota	698,642	795,006	867,279	939,552
Ohio	7,083,473	8,060,503	8,793,276	9,526,050
Oklahoma	2,341,067	2,663,973	2,906,152	3,148,331
Oregon	1,972,929	2,245,057	2,449,153	2,653,249
Pennsylvania	7,604,176	8,653,028	9,439,667	10,220,306
Rhode Island	765,186	870,728	949,886	1,029,043
South Carolina	1,456,753	1,657,684	1,808,383	1,959,082
South Dakota	673,882	766,831	836,543	906,255
Tennessee	2,846,207	3,238,788	3,533,223	3,827,658
Texas	7,941,471	9,036,846	9,858,377	10,679,909
Utah	1,638,087	1,864,030	2,033,487	2,202,944
Vermont	500,566	569,609	621,392	673,175
Virginia	2,403,319	2,734,812	2,983,431	3,232,050
Washington	2,899,311	3,299,215	3,599,144	3,899,073
West Virginia	1,264,619	1,439,050	1,569,872	1,700,695
Wisconsin	3,535,700	4,023,382	4,389,144	4,754,906
Wyoming	301,358	342,925	374,100	405,275
District of Columbia	1,263,252	1,437,493	1,568,175	1,698,856
American Samoa	20,562	23,398	25,525	27,653
Canal Zone	14,997	17,066	18,617	20,169
Guam	960,479	1,092,959	1,192,319	1,291,678
Puerto Rico	1,179	1,342	1,464	1,586
Virgin Islands				

NOTE.—Distribution of all amounts estimated on the basis of full-time degree credit enrollment (excluding U.S. service schools), fall 1963.

TITLE III NDEA AMENDMENTS

Mr. MORSE. Title III of NDEA provides funds under which public schools may receive matching grants for the purchase of equipment used in science, mathematics, and modern foreign language instruction. The present law provides also that loans to our private schools may be made for the purchase of such equipment. Briefly, the committee amendments would broaden the subject matter areas to include the additional subjects of history, civics, geography, English, and remedial reading. The additional areas, with the exception of civics and remedial reading, are to be found in the parallel legislation being considered by the other body.

The critical subjects, as these additions to the act are termed, were justified in our view by a number of considerations, many of which are spelled out in far greater detail in the committee report, but briefly it was felt that we could not accomplish the objectives of the act in utilizing the traditional disciplines of mathematics, science, and modern foreign languages, unless the child or youth had command of his mother tongue, and an understanding of his government in all its geographic variety and its great history of political and economic freedom.

This led naturally to the inclusion of English and remedial reading at all grade levels. It was our view that a very broad construction should be given to these terms since in many school districts the subject matter is taught under different course headings.

We have set forth carefully in the report our belief that history includes the contemporary as well as the past; that English comprehends literature; and that the term "civics" which relates most generally to the structure, the organization, and the functions of all levels, State, Federal, and local government, can be understood only in conjunction with the impact on each of these government levels of the contemporary scene at home and abroad. We have, therefore, in title III and again in the institute title indicated our hope that the Commissioner of Education in administering these titles will feel that he can with propriety include, for example, equipment used in current affairs classes and that teachers may receive institute trainings in international affairs, to name but two.

Similarly, in the remedial reading category, we would certainly hope that every attention, both by regular and specially trained teachers, be given to overcoming the reading handicaps of our young people whatever their cause.

In order to fund this portion of the act, an authorization of appropriations of $90 million is provided for fiscal year 1965 and the three succeeding years and the corollary amount of $10 million for matching grants to the State educational agency for supervisory and related services and for the administration of the State plan has been provided.

I ask unanimous consent, Mr. President, that the tables in the committee report relating to title III be printed in the RECORD at this point in my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

ESTIMATED DISTRIBUTION OF LEGISLATIVE AUTHORIZATIONS

Title III, Sec. 302(a)—grants for the acquisition of teaching equipment, fiscal years 1965–68 (each)

United States and outlying parts	$79,200,000
50 States and District of Columbia	77,769,460
Alabama	2,089,073
Alaska	95,345
Arizona	825,045
Arkansas	1,096,763
California	4,692,896
Colorado	$866,393
Connecticut	707,227
Delaware	133,952
Florida	2,256,586
Georgia	2,513,700
Hawaii	274,115
Idaho	430,778
Illinois	2,836,888
Indiana	2,028,256
Iowa	1,861,199
Kansas	1,025,334
Kentucky	1,852,916
Louisiana	2,141,299
Maine	494,084
Maryland	1,306,554
Massachusetts	1,528,454
Michigan	3,281,426
Minnesota	1,730,299
Mississippi	1,482,787
Missouri	1,684,094
Montana	353,453
Nebraska	687,541
Nevada	96,991
New Hampshire	271,085
New Jersey	1,681,223
New Mexico	667,596
New York	4,443,154
North Carolina	2,915,620
North Dakota	397,876
Ohio	3,755,845
Oklahoma	1,266,671
Oregon	799,514
Pennsylvania	4,186,466
Rhode Island	297,661
South Carolina	1,621,303
South Dakota	441,994
Tennessee	2,159,466
Texas	5,374,317
Utah	616,541
Vermont	203,123
Virginia	2,262,271
Washington	1,235,333
West Virginia	1,105,846
Wisconsin	1,852,429
Wyoming	165,221
District of Columbia	175,957
American Samoa	50,000
Canal Zone	50,000
Guam	50,000
Puerto Rico	1,230,540
Virgin Islands	50,000

Title III, Sec. 302(a)—grants for the acquisition of teaching equipment, fiscal years 1965–68 (each)—Continued

Title III, sec. 302 (b)—State supervision and administration, fiscal years 1965–68 (each)

United States and outlying parts	$10,000,000
50 States and District of Columbia	9,837,327
Alabama	188,965
Alaska	50,000
Arizona	82,976
Arkansas	99,201
California	849,066
Colorado	100,484
Connecticut	127,965
Delaware	50,000
Florida	264,126
Georgia	227,362
Hawaii	50,000
Idaho	50,000
Illinois	494,570
Indiana	245,847
Iowa	144,386
Kansas	113,784
Kentucky	167,595
Louisiana	193,679
Maine	50,525
Maryland	170,060
Massachusetts	247,901
Michigan	436,240
Minnesota	186,490
Mississippi	134,117
Missouri	210,521
Montana	50,000
Nebraska	73,734
Nevada	50,000
New Hampshire	50,000
New Jersey	304,177
New Mexico	60,383
New York	803,881
North Carolina	263,716
North Dakota	50,000
Ohio	524,761
Oklahoma	124,464
Oregon	94,883
Pennsylvania	557,413
Rhode Island	50,000
South Carolina	146,646
South Dakota	50,000
Tennessee	195,322
Texas	550,229
Utah	57,713
Vermont	50,000
Virginia	224,487
Washington	157,326
West Virginia	100,023
Wisconsin	212,369
Wyoming	50,000
District of Columbia	50,000
American Samoa	10,000
Canal Zone	10,000
Guam	10,000
Puerto Rico	122,673
Virgin Islands	10,000

Title III, sec. 305—Loans to nonpublic schools, fiscal year 1965–68 (each)

United States and outlying parts	$10,800,000
50 States and District of Columbia	10,672,056
Alabama	53,059
Alaska	3,727
Arizona	$56,075
Arkansas	21,472
California	693,843
Colorado	76,660
Connecticut	194,312
Delaware	33,894
Florida	154,385
Georgia	46,138
Hawaii	53,946
Idaho	15,971
Illinois	929,856
Indiana	227,141
Iowa	171,598
Kansas	91,211
Kentucky	155,272
Louisiana	250,387
Maine	62,641
Maryland	242,402
Massachusetts	461,379
Michigan	594,469
Minnesota	297,944
Mississippi	33,716
Missouri	294,573
Montana	36,733
Nebraska	100,261
Nevada	7,098
New Hampshire	61,931
New Jersey	525,262
New Mexico	48,090
New York	1,486,173
North Carolina	34,426
North Dakota	36,378
Ohio	674,145
Oklahoma	37,798
Oregon	62,109
Pennsylvania	1,082,468
Rhode Island	93,518
South Carolina	28,038
South Dakota	41,347
Tennessee	55,011
Texas	266,180
Utah	10,825
Vermont	31,232
Virginia	98,487
Washington	102,213
West Virginia	30,699
Wisconsin	454,281
Wyoming	6,921
District of Columbia	44,363
American Samoa	2,307
Canal Zone	1,242
Guam	8,695
Puerto Rico	110,199
Virgin Islands	5,501

Mr. MORSE. As I have indicated earlier, this title also provides for loans for the expanded purposes to our nonpublic schools. The distribution of the loan funds is incorporated in the table previously placed in the RECORD.

This title also contains minor amendments which are perfecting changes to simplify the operation of the program.

Mr. President, before leaving title III, I wish to pay tribute to a Vermont doctor, Dr. Frank J. Falck, Director of the Center for Disorders of Communication at the Vermont Rehabilitation Center, who in correspondence with Senator PROUTY directed our attention to the importance of remedial reading. An excerpt from his letter is printed in the committee report and it influenced greatly our thinking in this area.

TITLE IV NATIONAL DEFENSE EDUCATION ACT AMENDMENTS

The fellowship program conducted under title IV of National Defense Education Act has proven most successful. In order that its benefits may be made available to more of our talented young people, the committee has recommended that the level of fellowships awarded be raised to 5,000 in fiscal year 1965, 7,500 in fiscal year 1966, and 10,000 in each of the two succeeding fiscal years. In order to make sure that the best available use is made of our resources the committee, following the pattern of the legislation which has received House committee approval, has recommended that only one-third of these additional fellowships be made to the new institutes of graduate learning, thus insuring that presently unutilized capacity in our existing institutions, which has been estimated as capable of accommodating as many as 20,000 new students can be put to work.

There are other minor amendments to this title which are set forth more fully in the report. I would make mention only that it was the committee view that for those individuals who returned to graduate study after a teaching experience of 2 or more years, there should be given consideration for fellowship stipends of up to $4,800 per year plus an allowance for each dependent, since in many cases such students have family responsibilities.

TITLE V AMENDMENTS

Briefly, under this title, the committee has extended the testing, guidance and counseling provisions and the institute programs to the entire elementary school population and to the public community and junior colleges. The cost of this expansion will rise from the $17.5 million figure of last year to $25 million for fiscal year 1965 and by steps to the $37.5 million estimated for fiscal year 1968.

I ask unanimous consent that a table showing the State-by-State distribution of these amounts for title V–A be printed in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Estimated distribution of legislative authorizations, title V, pt. A, sec. 501—Guidance counseling and testing

	Fiscal year 1965	Fiscal year 1966	Fiscal year 1967	Fiscal year 1968
United States and outlying parts	$25,000,000	$26,500,000	$32,500,000	$37,500,000
50 States and District of Columbia	24,600,000	25,092,000	31,980,000	36,900,000
Alabama	484,847	494,604	630,824	728,014
Alaska	50,000	50,000	50,000	50,644
Arizona	212,911	217,196	277,014	319,693
Arkansas	254,545	259,667	331,183	382,207
California	2,178,650	2,222,491	2,834,596	3,271,314
Colorado	257,707	262,893	335,297	386,955
Connecticut	328,326	334,933	427,178	492,992
Delaware	62,187	63,438	80,910	93,376
Florida	677,732	691,370	881,783	1,017,636
Georgia	583,398	595,137	759,046	875,990
Hawaii	96,969	98,921	126,165	145,603
Idaho	103,294	105,372	134,393	155,099
Illinois	1,269,035	1,294,571	1,651,114	1,905,496
Indiana	630,828	643,522	820,757	947,209
Iowa	370,486	377,942	482,032	546,297
Kansas	291,962	297,837	379,866	438,391
Kentucky	430,038	438,692	559,514	645,716
Louisiana	496,968	506,969	646,595	746,214
Maine	129,644	132,253	168,677	194,664
Maryland	436,362	445,143	567,742	655,212
Massachusetts	636,098	648,898	827,614	955,122
Michigan	1,119,365	1,141,889	1,456,382	1,680,762
Minnesota	478,523	488,162	622,596	718,518
Mississippi	344,136	351,061	447,748	516,731
Missouri	540,183	551,063	702,821	811,102
Montana	99,007	101,071	128,908	148,768
Nebraska	189,196	193,003	246,159	284,084
Nevada	$50,000	$50,000	$56,911	$65,679
New Hampshire	79,578	81,180	103,537	119,489
New Jersey	780,499	796,204	1,015,490	1,171,944
New Mexico	154,940	158,058	201,590	232,648
New York	2,062,709	2,104,216	2,683,747	3,097,223
North Carolina	676,678	690,295	880,411	1,016,054
North Dakota	92,226	94,082	119,994	138,481
Ohio	1,346,505	1,373,600	1,751,909	2,021,820
Oklahoma	319,367	325,793	416,521	479,539
Oregon	243,478	248,377	316,784	366,589
Pennsylvania	1,430,299	1,459,081	1,860,932	2,147,640
Rhode Island	105,929	108,060	137,821	159,055
South Carolina	376,284	383,855	489,575	565,092
South Dakota	102,767	104,834	133,707	154,307
Tennessee	501,184	511,270	652,080	752,544
Texas	1,411,854	1,440,265	1,836,933	2,119,944
Utah	148,089	151,069	192,676	222,361
Vermont	52,174	53,224	67,882	78,341
Virginia	576,020	587,611	749,447	864,912
Washington	403,688	411,811	525,230	606,150
West Virginia	256,653	261,817	333,926	385,372
Wisconsin	544,926	555,891	708,992	818,224
Wyoming	50,000	50,000	61,711	71,219
District of Columbia	81,686	83,330	106,280	122,654
Outlying parts	400,000	408,000	520,000	600,000
American Samoa	20,000	20,000	20,000	20,000
Canal Zone	20,000	20,000	20,000	20,000
Guam	20,000	20,000	20,000	20,000
Puerto Rico	320,000	328,000	440,000	520,000
Virgin Islands	20,000	20,000	20,000	20,000

NOTE.—Distribution of all amounts estimated on the basis of school-age (5 to 17) population as of July 1, 1962, for the 50 States, District of Columbia, and Puerto Rico, and as of Apr. 1, 1960, for the other outlying parts.

TITLE VI OF THE NATIONAL DEFENSE EDUCATION ACT AMENDMENTS

Mr. MORSE. Title VI of the National Defense Education Act is, broadly speaking, the language areas and institutes section of the act. The committee has proposed that the present title VI–A appropriation ceiling of $8 million for the present fiscal year be raised to $13 million for fiscal year 1965, $14 million in fiscal year 1966, and $16 million in fiscal years 1967 and 1968, to provide additional badly needed support to strengthen study of modern foreign languages and area subjects.

In title VI–B, the institutes program has been expanded to reflect the changes previously discussed in connection with title III of the National Defense Education Act.

In addition, however, the committee felt that it would be wise to provide institutes for librarians and educational media specialists so that the training given in these fields would help all teachers in carrying out their functions in our elementary and secondary schools. I wish to draw particular attention to the committee's intention that "institutes in all the subject matters covered in this title should also be made available to special education teachers such as those engaged in or preparing to engage in the teaching of gifted children or handicapped children."

OTHER TITLES OF NATIONAL DEFENSE EDUCATION ACT AMENDMENTS

Titles VII and VIII reflect no changes other than the 3-year extension which pertains to all titles of the act. Title IX is permanent now.

The committee made certain changes in the language which were recommended by the Office of Education to improve the statistical services program now authorized under title X.

I ask unanimous consent that at this point in my remarks a table which appears in the report showing the estimated distribution of the $3 million proposed under title X be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Estimated distribution of $3,000,000 proposed under title X—State Statistical Services

United States and outlying areas [1]	$3,000,000
50 States and District of Columbia	2,844,478
Alabama	55,810
Alaska	50,404
Arizona	52,551
Arkansas	53,050
California	76,107
Colorado	53,088
Connecticut	53,934
Delaware	50,745
Florida	58,121
Georgia	56,998
Hawaii	51,162
Idaho	51,238
Illinois	65,207
Indiana	57,559
Iowa	54,439
Kansas	53,499
Kentucky	55,153
Louisiana	55,955
Maine	51,554
Maryland	55,229
Massachusetts	57,622
Michigan	63,413
Minnesota	55,734
Mississippi	54,124
Missouri	56,473
Montana	51,187
Nebraska	52,267
Nevada	50,524
New Hampshire	50,954
New Jersey	59,353
New Mexico	51,857
New York	74,717
North Carolina	58,109
North Dakota	51,105
Ohio	$66,135
Oklahoma	53,827
Oregon	52,918
Pennsylvania	67,139
Rhode Island	51,269
South Carolina	54,509
South Dakota	51,231
Tennessee	56,006
Texas	66,918
Utah	51,775
Vermont	50,625
Virginia	56,902
Washington	54,837
West Virginia	53,075
Wisconsin	56,530
Wyoming	50,568
District of Columbia	50,979
American Samoa	25,049
Canal Zone	25,076
Guam	25,119
Puerto Rico	55,216
Virgin Islands	25,062

[1] Distributed on the basis of a basic allotment of $50,000 to each State, District of Columbia, and Puerto Rico, and $25,000 to American Samoa, Canal Zone, Guam, and the Virgin Islands, plus a distribution on the basis of the school-age (5 to 17) population.

TITLE II OF S. 3060

Mr. MORSE. Mr. President, it is my belief that most Senators have an excellent understanding of and appreciation for the provisions of the impacted areas legislation, Public Laws 815 and 874. These acts of 1950 have been before us many times in the interim.

The report carries a full discussion of them. I would point out only that many of us are aware that there have been allegations of abuses in the acts. In order to assure ourselves that such abuses will be identified and so that, if they are based upon the language of the act, they can be eradicated at an early date in the next session by appropriate legislation, the

committee has required the Commissioner to undertake a study; it has authorized funds for a study and it has laid upon the Commissioner of Education the duty to report to the Congress by June 30, 1965, the findings and recommendations which will strengthen and improve the acts.

Other than this change and other than the reaffirming of the traditional desire of the Senate to include within the purview of these acts the District of Columbia, the committee has recommended only that each statute be extended for a 2-year period.

Mr. President, I ask unanimous consent that at this point in my remarks there be printed a summary of entitlements and number of eligible applicants by State and congressional district under both Public Law 874 and Public Law 815, as amended, for fiscal year 1963, and that this be followed by the table in the report which summarizes the new obligational authority and anticipated expenditures under the bill.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Summary of entitlements and number of eligible applicants, by State and congressional district, under Public Law 874, as amended, fiscal year 1963

State	Congressional district	Number of eligible applicants	Amount
Alabama	8	52	$5,642,144
Alaska	1	25	8,347,671
Arizona	3	115	5,407,713
Arkansas	4	67	1,633,370
California	32	531	44,440,666
Colorado	4	57	7,302,307
Connecticut	6	51	2,557,823
Delaware	1	9	274,429
Florida	10	17	7,052,796
Georgia	10	71	6,186,693
Hawaii	2	1	5,218,011
Idaho	2	47	1,843,861
Illinois	14	122	4,896,916
Indiana	9	94	1,363,826
Iowa	6	29	991,815
Kansas	5	168	6,265,025
Kentucky	6	52	1,437,653
Louisiana	4	9	1,273,861
Maine	2	73	2,241,440
Maryland	5	14	10,811,517
Massachusetts	11	174	7,470,396
Michigan	8	61	1,945,392
Minnesota	7	28	607,911
Mississippi	5	21	1,429,470
Missouri	7	112	3,061,587
Montana	2	82	2,380,529
Nebraska	3	40	2,958,621
Nevada	1	12	1,695,117
New Hampshire	2	40	1,415,718
New Jersey	8	170	6,714,260
New Mexico	2	43	5,767,561
New York	17	191	6,849,355
North Carolina	5	27	2,984,034
North Dakota	2	56	1,408,835
Ohio	18	137	6,370,954
Oklahoma	6	356	7,916,994
Oregon	4	72	1,167,127
Pennsylvania	15	147	5,804,563
Rhode Island	2	22	2,122,153
South Carolina	5	35	4,040,225
South Dakota	2	72	2,658,786
Tennessee	8	50	2,870,394
Texas	19	237	14,442,599
Utah	2	15	2,799,046
Vermont	1	11	60,728
Virginia	10	45	16,418,300
Washington	7	201	8,897,424
West Virginia	2	6	165,086
Wisconsin	7	26	747,785
Wyoming	1	21	871,416
Guam		1	854,994
Virgin Islands		1	104,906
Total	323	4,116	250,090,913

Entitlements and number of eligible applicants, by congressional district, Public Law 874, as amended, fiscal year 1963

STATE OF ALABAMA

Congressional district	Number of eligible applicants	Entitlement
At large (8)	52	$5,642,144

STATE OF ALASKA

At large (1)	25	$8,347,671

STATE OF ARIZONA

1	21	$820,499
2	45	2,620,052
3	49	1,967,162
Total (3)	115	5,407,713

STATE OF ARKANSAS

1	2	$215,921
2	29	921,967
3	24	226,289
4	12	269,193
Total (4)	67	1,633,370

STATE OF CALIFORNIA

1	43	$1,789,150
2	69	790,668
3	14	3,502,868
4	34	3,056,242
5	1	1,078,515
7	3	1,169,948
8	7	1,284,397
9	21	1,196,204
10	18	942,581
11	13	596,116
12	27	2,206,470
13	38	3,684,736
14	19	1,116,895
15	10	445,198
16	12	656,685
17	5	324,825
18	17	1,809,040
19	6	222,853
21	1	17,622
23	5	351,473
24	3	204,650
25	3	112,584
27	11	1,044,498
28	7	260,641
31	4	89,486
32	1	1,314,730
33	40	3,197,961
34	17	1,182,758
35	46	2,981,300
36	5	4,675,863
37	8	1,850,561
38	23	1,193,128
Total (32)	531	44,440,666

STATE OF COLORADO

1	1	$1,390,058
2	17	2,076,911
3	23	3,422,504
4	16	412,834
Total (4)	57	7,302,307

STATE OF CONNECTICUT

At large (1)		
1	9	$233,219
2	35	1,940,690
3	2	138,537
4	3	217,530
5	2	27,847
Total (6)	51	2,557,823

STATE OF DELAWARE

At large (1)	9	$274,429

Entitlements and number of eligible applicants, by congressional district, Public Law 874, as amended, fiscal year 1963—Con.

STATE OF FLORIDA

Congressional district	Number of eligible applicants	Entitlement
1	5	$2,025,319
2	1	1,265,941
4	1	439,007
5	2	257,949
7	1	13,403
8	2	172,498
9	1	709
10	1	307,457
11	2	2,350,823
12	1	219,690
Total (10)	17	7,052,796

STATE OF GEORGIA

1	7	$503,801
2	6	615,953
3	17	1,911,767
4	3	151,590
5	3	328,337
6	12	739,444
7	8	892,157
8	5	242,391
9	5	76,569
10	5	724,684
Total (10)	71	6,186,693

STATE OF HAWAII

At large (2)	1	$5,218,011

STATE OF IDAHO

1	23	$374,840
2	24	1,469,021
Total (2)	47	1,843,861

STATE OF ILLINOIS

4	3	$42,701
6	1	46,832
12	25	1,681,800
13	2	155,137
14	13	273,350
15	6	30,727
16	9	79,186
17	11	133,571
18	1	6,237
19	6	308,013
21	13	117,621
22	8	979,170
23	2	32,575
24	22	1,009,996
Total (14)	122	4,896,916

STATE OF INDIANA

2	1	$18,196
3	1	6,622
5	12	437,205
6	8	74,968
7	27	276,833
8	13	135,579
9	26	160,396
10	3	13,256
11	3	240,771
Total (9)	94	1,363,826

STATE OF IOWA

1	14	$561,946
2	1	8,542
4	7	143,714
5	4	111,578
6	1	117,275
7	2	48,760
Total (6)	29	991,815

Entitlements and number of eligible applicants, by congressional district, Public Law 874, as amended, fiscal year 1963—Con.

STATE OF KANSAS

Congressional district	Number of eligible applicants	Entitlement
1	25	$646,856
2	40	2,645,611
3	22	457,826
4	43	2,168,522
5	38	346,210
Total (5)	168	6,265,025

STATE OF KENTUCKY

1	17	$309,531
2	8	145,585
3	1	278,261
4	6	303,839
5	7	67,268
6	13	333,169
Total (6)	52	1,437,653

STATE OF LOUISIANA

4	2	$595,953
6	1	26,852
7	3	202,064
8	3	448,992
Total (4)	9	1,273,861

STATE OF MAINE

1	38	$904,915
2	35	1,336,525
Total (2)	73	2,241,440

STATE OF MARYLAND

At large (1)		
1	2	$266,109
2	2	1,286,093
5	6	5,423,188
6	4	3,836,127
Total (5)	14	10,811,517

STATE OF MASSACHUSETTS

1	21	$698,563
2	9	1,390,534
3	25	912,900
4	11	303,896
5	19	966,194
6	24	352,763
7	10	579,652
8	3	207,318
10	6	105,639
11	11	618,403
12	35	1,334,534
Total (11)	174	7,470,396

STATE OF MICHIGAN

At large (1)		
2	1	$10,182
3	5	192,769
7	15	404,471
9	8	67,280
10	3	353,696
11	15	426,904
12	12	455,730
16	2	34,360
Total (9)	61	1,945,392

STATE OF MINNESOTA

1	1	$3,656
2	1	7,977
3	4	129,302
4	1	32,353
6	2	24,486
7	12	254,196
8	7	155,041
Total (7)	28	607,011

Entitlements and number of eligible applicants, by congressional district, Public Law 874, as amended, fiscal year 1963—Con.

STATE OF MISSISSIPPI

Congressional district	Number of eligible applicants	Entitlement
1	4	$239,213
2	1	53,952
3	1	70,509
4	2	88,701
5	13	977,095
Total (5)	21	1,429,470

STATE OF MISSOURI

1	1	$50,707
2	7	315,904
4	42	1,572,183
6	8	52,321
7	20	119,845
8	27	840,455
9	7	110,172
Total (7)	112	3,061,587

STATE OF MONTANA

1	32	$298,696
2	50	2,081,833
Total (2)	82	2,380,529

STATE OF NEBRASKA

1	13	$924,009
2	8	1,704,002
3	19	330,610
Total (3)	40	2,958,621

STATE OF NEVADA

At large (1)	12	$1,595,117

STATE OF NEW HAMPSHIRE

1	32	$1,300,065
2	8	115,653
Total (2)	40	1,415,718

STATE OF NEW JERSEY

1	39	$576,384
2	18	320,025
3	47	2,062,772
4	32	2,842,680
5	20	546,126
7	10	124,677
13	1	102,515
15	3	139,081
Total (8)	170	6,714,260

STATE OF NEW MEXICO

At large (2)	43	$5,767,561

STATE OF NEW YORK

1	44	$1,159,370
2	17	514,579
3	3	105,157
4	4	405,109
5	3	31,696
25	2	14,740
27	12	539,902
28	6	115,909
29	20	777,201
30	27	987,433
31	6	119,521
32	20	1,263,113
33	8	198,490
34	1	156,057
35	10	242,774
38	5	61,115
40	3	158,089
Total (17)	191	6,849,355

Entitlements and number of eligible applicants, by congressional district, Public Law 874, as amended, fiscal year 1963—Con.

STATE OF NORTH CAROLINA

Congressional district	Number of eligible applicants	Entitlement
1	6	$147,804
3	11	1,704,395
7	7	1,061,570
8	1	13,308
11	2	56,957
Total (5)	27	2,984,034

STATE OF NORTH DAKOTA

1	16	$538,276
2	40	870,559
Total (2)	56	1,408,835

STATE OF OHIO

At large (1)		
1	1	$2,476
2	6	116,306
3	13	1,693,067
4	3	27,720
5	7	138,656
6	22	343,668
7	26	1,220,722
8	2	18,517
10	18	135,034
11	3	67,872
12	13	2,172,215
13	3	23,204
14	1	13,812
15	1	6,191
17	11	194,601
19	2	13,008
23	5	183,885
Total (18)	137	6,370,954

STATE OF OKLAHOMA

1	23	$734,779
2	96	713,062
3	46	274,141
4	74	548,718
5	37	3,177,794
6	80	2,468,500
Total (6)	356	7,916,994

STATE OF OREGON

1	16	$222,099
2	31	535,543
3	2	33,388
4	23	376,097
Total (4)	72	1,167,127

STATE OF PENNSYLVANIA

1, 2, 3, 4, and 5	1	$2,431,077
6	3	27,741
8	15	617,885
9	22	520,194
10	3	24,465
12	22	446,734
13	4	174,305
15	7	49,526
16	35	818,998
17	1	12,796
18	1	29,975
19	29	721,714
23	1	303
24	1	1,464
27	2	27,391
Total (15)	147	5,804,568

STATE OF RHODE ISLAND

1	13	$1,503,458
2	9	618,700
Total (2)	22	2,122,158

Entitlements and number of eligible applicants, by congressional district, Public Law 874, as amended, fiscal year 1963—Con.

STATE OF SOUTH CAROLINA

Congressional district	Number of eligible applicants	Entitlement
1	15	$2,117,255
2	15	1,528,638
3	3	58,210
4	1	174,621
6	1	161,501
Total (5)	35	4,040,225

STATE OF SOUTH DAKOTA

1	17	$255,803
2	55	2,402,983
Total 2)	72	2,658,786

STATE OF TENNESSEE

1	6	$208,155
2	12	1,037,757
3	6	73,553
4	10	680,453
6	5	310,134
7	7	59,685
8	3	109,805
9	1	390,843
Total (8)	50	2,870,394

STATE OF TEXAS

At large (1)	30	$590,869
1	2	23,926
2	15	240,530
4	8	211,564
5	11	61,880
6	1	1,775
7	6	156,414
10	30	1,718,552
11	17	1,727,732
12	15	349,148
13	18	794,880
14	12	230,948
15	11	2,086,532
16	17	601,479
17	8	503,440
18	8	353,297
19	15	4,247,801
20	13	452,822
21		
Total (19)	237	14,442,999

STATE OF UTAH

1	11	$1,272,290
2	4	1,526,756
Total (2)	15	2,799,046

STATE OF VERMONT

At large (1)	11	$60,728

STATE OF VIRGINIA

1	11	$3,103,453
2	3	4,230,603
3	1	49,837
4	7	614,195
5	1	27,845
6	4	233,900
7	1	13,909
8	9	817,706
9	3	128,464
10	5	7,196,351
Total (10)	45	16,418,300

Entitlements and number of eligible applicants, by congressional district, Public Law 874, as amended, fiscal year 1963—Con.

STATE OF WASHINGTON

Congressional district	Number of eligible applicants	Entitlement
1	5	$879,492
2	36	1,077,307
3	41	480,952
4	50	1,673,987
5	36	911,303
6	21	3,298,888
7	12	575,495
Total (7)	201	8,897,424

STATE OF WEST VIRGINIA

2	5	$144,981
3	1	20,105
Total (2)	6	165,086

STATE OF WISCONSIN

1	1	$4,261
2	7	336,432
3	4	158,363
5	1	20,345
7	4	51,156
8	1	22,064
9	8	135,174
10		
Total (7)	26	747,785

STATE OF WYOMING

At large (1)	21	$871,416

VIRGIN ISLANDS

	1	$104,906

GUAM

	1	$854,994

Federal funds obligated for construction of school facilities under Public Law 815 by congressional district, by State, fiscal year 1963

Congressional district	Number of projects	Total amount of Federal funds reserved
ALABAMA		
At large (8)	5	$758,131
ALASKA		
At large (1)	4	1,419,988
ARIZONA		
1st	2	229,345
2d	4	695,826
3d	10	2,801,811
Total (3)	16	3,725,982
ARKANSAS		
1st	1	94,990
2d	1	276,556
3d	3	168,299
Total (3)	5	539,945

Federal funds obligated for construction of school facilities under Public Law 815 by congressional district, by State, fiscal year 1963—Continued

Congressional district	Number of projects	Total amount of Federal funds reserved
CALIFORNIA		
3d	1	$291,787
4th	7	1,834,502
9th	1	48,910
12th	2	46,746
13th	9	2,099,891
15th	1	63,573
16th	2	276,977
18th	2	59,055
27th	1	275,125
33d	5	731,603
34th	4	534,095
35th	1	152,675
37th	1	425,166
38th		
Total (13)	37	6,840,104
COLORADO		
2d	3	939,708
3d	3	1,381,611
4th	1	129,276
Total (3)	7	2,450,595
CONNECTICUT		
At large (1)		
2d	2	358,760
Total (2)	2	358,760
FLORIDA		
3d	1	140,980
5th	1	344,125
Total (2)	2	485,105
GEORGIA		
3d	1	509,295
IDAHO		
1st	1	37,500
2d	4	545,006
Total (2)	5	582,506
ILLINOIS		
24th	3	809,067
INDIANA		
5th	1	312,745
IOWA		
7th	1	24,665
KANSAS		
1st	1	46,980
2d	2	140,882
5th	2	23,520
Total (3)	5	211,382
KENTUCKY		
4th	1	35,000
LOUISIANA		
6th	1	351,390
MAINE		
1st	1	25,000
MARYLAND		
At large (1)		
2d	1	475,310
5th	1	3,586,169
6th	2	3,125,830
Total (4)	4	7,187,309
MASSACHUSETTS		
5th	1	319,850
12th	2	263,605
Total (2)	3	583,455

Federal funds obligated for construction of school facilities under Public Law 815 by congressional district, by State, fiscal year 1963—Continued

Congressional district	Number of projects	Total amount of Federal funds reserved
MICHIGAN		
At large (1)	1	$317,817
10th	2	445,323
11th	1	21,875
12th		
Total (4)	4	785,015
MINNESOTA		
8th	2	156,660
MISSISSIPPI		
1st	1	30,080
5th	1	46,000
Total (2)	2	76,080
MISSOURI		
4th	2	80,664
7th	1	12,495
8th	1	30,590
Total (3)	4	123,749
MONTANA		
1st	1	10,184
2d	3	794,651
Total (2)	4	804,835
NEBRASKA		
2d	2	62,802
3d	2	81,500
Total (2)	4	144,302
NEVADA		
At large (1)	1	94,144
NEW JERSEY		
3d	2	265,252
4th	6	552,322
7th	1	24,940
Total (3)	9	842,514
NEW MEXICO		
At large (2)	4	561,386
NEW YORK		
27th	1	164,100
30th	1	416,200
32d	1	382,045
Total (3)	3	962,345
NORTH CAROLINA		
3d	1	299,650
7th	2	624,917
Total (2)	3	924,567
NORTH DAKOTA		
1st	2	196,732
2d	3	309,129
Total (2)	5	505,861
OHIO		
At large (1)	1	411,179
3d	3	455,190
7th	3	757,481
12th	2	74,370
17th		
Total (5)	9	1,698,220
OKLAHOMA		
2d	2	29,430
4th	3	77,716
5th	5	587,505
6th	6	649,485
Total (4)	16	1,344,136
OREGON		
2d	1	35,592
PENNSYLVANIA		
12th	1	44,010
RHODE ISLAND		
1st	1	144,394
SOUTH CAROLINA		
1st	2	$647,448
2d	1	137,074
Total (2)	3	784,522
SOUTH DAKOTA		
1st	1	34,080
2d	9	930,436
Total (2)	10	964,516
TENNESSEE		
4th	3	302,315
6th	1	15,770
Total (2)	4	318,585
TEXAS		
At large (1)	1	95,375
1st	1	107,217
10th	2	178,215
11th	1	228,355
14th	3	452,040
16th	1	636,000
20th		
Total (7)	9	1,697,202
UTAH		
1st	2	1,364,451
2d	2	727,849
Total (2)	4	2,092,300
VIRGINIA		
1st	2	761,860
4th	1	31,144
8th	1	19,000
10th	1	154,620
Total (4)	5	966,624
WASHINGTON		
2d	1	51,870
3d	5	270,959
4th	2	54,102
5th	7	282,802
6th	1	143,787
7th	1	96,151
Total (6)	17	899,671
WEST VIRGINIA		
3d	1	75,000
WISCONSIN		
8th	1	1,473
WYOMING		
At large (1)	3	69,855
VIRGIN ISLANDS	1	251,425
Grand total (120)	235	44,583,912

Mr. MORSE. Mr. President, the other day, in connection with another matter, I was under the necessity of expressing my deep personal convictions to the Commissioner of Education upon the importance of elementary and secondary education in this Nation. I am sure the Commissioner appreciated my position on this matter, which related to what I believe to be a most needed change in our national legislative educational policy. But I would not want this day to go past without expressing to him the thanks of the committee for the tremendous help he has been to us on this bill.

Dr. Wilbur Cohen, Assistant Secretary of HEW, has aided us in every way and we are grateful for his help and for the strong support which we received from Secretary Celebreeze; but my particular thanks today go to Commissioner Keppel and his efficient legislative aids, Dr. Peter Muirhead and Dr. Samuel Halperin, both of whom have labored long in the vineyard with our staff that this bill could be brought to the Senate today.

Having made that statement, I want to say that Mr. Jack Forsythe and Mr. Charles Lee, and their assistants representing the majority, and Mr. Michael Bernstein, representing the minority, were of inestimable help to the members of the committee. I want to thank them for their dedicated and loyal public service.

I am grateful to them and I am grateful for the patient understanding and major help to the committee that was given by the administrative assistant of Senator PROUTY, Mr. Tom Hayes, and the executive assistant of Senator JAVITS, Mr. Allen Lesser. On behalf of the majority, I wish to express to each of these gentlemen my deepest appreciation, and to the members of the minority staff who sat with us in our hearings and who advised their principals in a highly professional manner, Mr. Michael Bernstein—whom I have already mentioned—and Mr. John Stringer, likewise goes my appreciation for their unfailing courtesy and, where appropriate, helpfulness.

Mr. President, S. 3060 received the favorable vote of all members of the committee except the Senator from Texas [Mr. TOWER] and the Senator from Arizona [Mr. GOLDWATER]. They have filed individual views, which was printed with the committee report. In their views they enthusiastically recommend extension of Public Laws 814 and 874. They are opposed to all the other parts of the bill, but raised no objections to expediting getting the bill to the floor of the Senate. In fact, they helped by providing us promptly with their individual views.

I feel that we should now proceed to further consideration of the bill to permit the Senate to work its will upon it.

Mr. President, I have concluded my presentation and I suggest that the bill be open for amendment.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. MORSE. I am glad to yield to the Senator from Kansas.

Mr. CARLSON. First, I commend the distinguished Senator from Oregon for bringing the national defense education bill before the Senate today. I think he and the committee are entitled to much credit for presenting to the Senate a bill which I believe will be very important, not only in continuing the education of our youth, but in extending a program from which our States will benefit. I refer to both title I and title II of the bill.

However, I wish to ask the distinguished Senator from Oregon one ques-

tion. In our State we have had some interest and concern about securing funds for student nurse training. As I heard the Senator discuss the bill this morning, I did not hear that item mentioned. Is that item included in this bill or not?

Mr. MORSE. It is not in this bill. It is in a bill which deals with nurses training, which I understand will shortly be before the Senate. I am sure that early committee action will be taken. I hope that will be next week. The nurse loan provisions, however, are not in this bill.

Mr. CARLSON. It is not a part of the bill which the Senate is considering today?

Mr. MORSE. No; it is not part of the bill the Senate is considering today, but I give the Senator my assurance that he has no more enthusiastic supporter of that measure than the chairman of the Education Subcommittee. I have no doubt that the bill will be before the Senate for favorable action within the next week or very shortly thereafter.

Mr. CARLSON. I am glad to get that assurance on the nurse training program. That bill should come before the Senate and be acted upon in this session.

Mr. MORSE. I quite agree. It will receive action.

Mr. JORDAN of Idaho. Mr. President, will the Senator yield?

Mr. MORSE. I am glad to yield to the distinguished Senator from Idaho, who, as I said, has been of great help to the committee.

Mr. JORDAN of Idaho. I thank the Senator for his comment and for his able presentation of the proposed legislation.

The Senator from New York [Mr. JAVITS], also a member of the committee, will later make a statement commending the Senator for his able presentation and expressing his own personal views.

Mr. MORSE. I thank the Senator from Idaho, and through him, thank the Senator from New York. I shall thank him personally.

Mr. DOUGLAS. Mr. President, may I ask my good friend from Oregon if there is any provision in the bill to assist the cities in providing education for the vast numbers of fellow Americans, both black and white, who have been pouring into the cities during the past few years, who are educationally and culturally deprived and who constitute, in my judgment, a more severe task for the cities than did the creation of Government installations upon the areas of the country where they were installed 15 years ago.

Mr. MORSE. There is no special section in the bill covering those particular students. It is partly encompassed, however, in the opinion of some of us, in the adult education provisions of the antipoverty bill. We think these and other education provisions of the antipoverty bill will be of help to this group of citizens.

Further, as the Senator knows, I have introduced a separate bill expanding the scope of Public Law 874 which would provide Federal assistance to our schools in the so-called slums or depressed areas of the cities of the country and to our rural slum areas also, which are impacted with two classes of students whose parents are in limited income brackets.

We would provide payments to school districts based on one, the number of children whose parents are unemployed, and two, the number of children on whose behalf an aid to dependent children public welfare grant is made.

We have completed hearings on my bill. We hope to have committee action on it within the next 2 weeks. If enacted, and companion legislation is being considered by the House committee, we would expand the so-called impacted areas concept so that special assistance can be made available to school districts in those areas which are of special concern to the distinguished Senator.

Mr. DOUGLAS. This is highly desirable. As I remember it, the Senator from Minnesota [Mr. HUMPHREY] was the original author of the impacted areas bill in 1950 or 1951. It was designed to help localities into which Government installations had brought a large number of children before the tax base of the locality could rise to provide added tax income. It was said that since the Government was responsible for the coming of the children, it should assist in the cost of their education. That was desirable.

Of course, now, with the passage of time, at these defense installations, the number of private homes has increased and the taxable capacity of the localities has also risen. Therefore they are in a much better position than they were when the act was originally passed.

A new pressure has however fallen upon our cities, particularly as a result of the mobility of the population. We should be aware—though perhaps this is not fully appreciated throughout the country—that our cities are undergoing great population shifts and great population problems. Into the cities there has poured and is still pouring very large numbers of people from the South, who are displaced because of the mechanization of cotton picking and other causes which have forced both blacks and whites off the soil and into the cities. A great many of them come into Chicago on the Illinois Central Railroad. There are hundreds of thousands of them. They also come into New York. Large numbers are coming into Philadelphia and into Detroit and into virtually every major city in the country.

This has created grave problems for our cities, and we have seen the results of some of these problems in the riots in Harlem and in Rochester. I do not say this is the sole cause, but the cities of the North and West have been given a major job in trying to digest these large numbers, who have been educationally and culturally deprived.

This is a very severe problem for the cities. It is much more severe today than was the coming of the defense plants or defense installations in 1950 or 1951.

At the same time that this is happening in the cities, they are in a poorer position to meet the problem.

As the migrants from the South, both black and white, move into our major cities, the upper and middle income families tend to move out to the suburbs. Therefore the cities are losing a large part of their taxable capacity, at the same time that they are called upon to meet the increased problems which are thrown upon them.

This is a situation which must be dealt with. I recognize that at this late hour, it is impossible to amend the bill from the floor, but it is a problem which the country should face, and should do so at the earliest opportunity, or we shall have many more Harlems and many more Rochesters.

In the past the cities have been the great Americanizing influences, which have enabled us to permit millions of immigrants from abroad to rise socially, educationally, and politically. They are now called upon to perform an even more difficult task of absorbing an internal migration with reduced resources.

I hope very much that Congress can deal with this problem at the earliest opportunity.

I know that there exists a strong prejudice against the big cities in both the country and in the Senate. But whether or not we move forward as a nation will depend largely upon how we deal with these difficulties in our cities.

President Conant in one of his books stated there were roughly a million young people between the ages of 16 and 21 in our cities who were not at school and not at work. He labeled these as the concealed social dynamite within our social structure. The figure of a million may be slightly overstated. At least there are three-quarters of a million.

We can deal with this problem partially in the antipoverty bill, which we passed and which I hope the House will pass. But we should also rethink our procedure with regard to Federal aid to education.

Instead of an overall distribution of Federal aid to the States, which will go to localities which do not particularly need the aid, I am inclined to believe that we should deal with the problem in a rifleshot fashion, concentrating our Federal aid on the areas of need. This will include the cities. It will also include the areas in the country districts which have very low taxable capacity and where local real estate is unable to provide an adequate education for the children.

Though there is great criticism of the South, on the whole the South has spent a larger fraction of its income on education than many States in the North, and, in general, more than the countrywide average. The South cannot be taxed with unwillingness to pay for the cost of education. However, its taxable resources are comparatively limited.

Unless we try to deal with this great sea of the uneducated, we shall have increased trouble.

I know that the senior Senator from Oregon is very much concerned about this issue. Many of us have been concerned about it for a long time. The pending bill came to the floor very suddenly, at least suddenly so far as the Senator from Illinois is concerned. He did not have an amendment ready to deal with it. It would require careful draft-

ing, and, therefore, I shall not offer such an amendment to the pending bill.

I congratulate the Senator and his associates for their good work, so far as it goes. I hope that what I have presented as a future task will be one to which we shall speedily address ourselves, and not postpone it to the indefinite future.

Mr. MORSE. Mr. President, if the Senator had given last week the speech that he has given on the floor of the Senate today, he would have been completely justified in charging the Senator from Oregon with plagiarism. I am proud to say this, because of my great esteem for the Senator's leadership in education. Many of the points that the Senator from Illinois has just made on the floor of the Senate I made in committee a couple of days ago when Commissioner Keppel testified before us in presenting the administration's point of view, in this instance I think a most unfortunate point of view, with respect to the Morse-Dent bill.

The Morse bill, S. 2528, which I have already, by thumbnail sketch, outlined to the Senator, deals with this special metropolitan city problem in the slum areas, where the students to whom the Senator from Illinois has alluded are located. The administration took the position that consideration of this proposal ought to be postponed until a later date. But we do not intend to postpone it. We are going to get action on it in committee, and we are going to give the Senate an opportunity to stand up and act on it. I predict we will get it to the calendar and provide the Senate with an opportunity to consider it before Congress adjourns.

The House has already completed hearings on the bill. It is known as the Dent bill on the House side, and the Morse bill on the Senate side.

As I said to the Commissioner of Education, "The Department is usually ahead of Congress; but this time we are far ahead of the administration on this problem."

The rifleshot analogy or figure of speech that the Senator from Illinois used is most apropos. We must take a look at the particularly bad spots in the educational aid program.

That is why we are requiring, as we have a right to do, that the issue first be resolved in the Department of Health, Education, and Welfare, and that they give us a report on the administration of the impacted-areas legislation by June, 1965, because that is a rifleshot approach. We must examine the problem to find these areas that are now getting Federal aid but which can no longer be justified in receiving it. There are many other areas where such aid can be better justified than in the environs of some of our military or other Federal installations.

Because I know the Senator from Illinois joins me in the high regard we have for the Senator from Pennsylvania [Mr. CLARK], I think I ought to tell him of a whispered conversation we had while the Senator from Illinois was speaking. The Senator from Pennsylvania said, "I think you ought to tell PAUL that we wanted to make that approach in this bill, but we did not have the votes."

We thought it was important to bring forth this bill and then push for S. 2528, the Morse bill and for the Dent bill, which deals specifically with the problem the Senator has in mind.

Mr. DOUGLAS. I thank the Senator from Oregon. His attitude is exactly as he has always shown it to the Senate. I hope our colleagues may take account of this problem, and that we may be able to get action, because it is badly needed. It may be the most conservative step to lessen the social disturbances which otherwise may grievously weaken the whole fabric of our society.

Mr. CLARK. Mr. President, I should like to add my voice to the voices of the Senator from Illinois and the Senator from Oregon in support of Federal aid to education in slum areas and underprivileged areas of our great cities. Senators will recall that such an approach was strongly recommended by the former president of Harvard, James B. Conant, in the splendid report he made on the whole problem of education several years ago. Such an approach was recommended in President Kennedy's first general aid to education bill in 1961, when the able junior Senator from Connecticut [Mr. RIBICOFF] was Secretary of the Department of Health, Education, and Welfare.

At that point, we found that because of the attitude of Senators who came from States where there were no such problems, it would be difficult to obtain funds.

I commend the Senator from Oregon for his persistence in moving ahead in this regard.

I know that the majority leader is impatiently waiting for me to take my seat so that the bill may be passed. I shall continue for only 60 seconds longer to say that the way we have to schedule legislation in the Senate now is one of the sad lessons of the civil rights filibuster. Here we are rushing through important legislation with very little time for its consideration. We try to water it down to get a consensus. We move swiftly, lest we fail to perform our clear obligation. I deplore the situation. Until the rules of procedure and the ways of doing the business of the Senate can be drastically changed, we shall be legislating as inefficiently on vitally important matters as we did on the Defense appropriation bill, the coffee bill, on the NDEA bill, and as we are about to do on the Hill-Burton bill. We did it also on two other measures yesterday that came before us so fast that I cannot remember at the moment what they were. One of them was the housing bill—the first housing bill in history to pass on a voice vote.

I tell my friend, the majority leader, that I am about to take my seat; but before doing so, I must commend the Senator from Oregon for his wise leadership, his patient attention to duty, and the first-class bill which, under great difficulty, he has brought to the floor of the Senate. I hope that within the next 30 seconds the bill will be passed.

Mr. MANSFIELD. Mr. President, I join wholeheartedly in what the distinguished Senator from Pennsylvania has said about the Senator from Oregon, who is in charge of the bill. He always shows managerial skill, broad knowledge, and high ability.

At the request of the distinguished junior Senator from Texas [Mr. TOWER], who is necessarily absent, I ask unanimous consent that the minority views of Senator TOWER, contained in the committee report on the National Defense Education Act, be printed at this point in the RECORD.

There being no objection the individual views were ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF MR. GOLDWATER AND MR. TOWER

We are opposed to all of the provisions of the committee bill except those in title II extending for a period of 2 years Public Laws 815 and 874 which deal with federally impacted areas.

When the National Defense Education Act was favorably reported in 1958 from the Committee on Labor and Public Welfare, Senator GOLDWATER in his minority views made the following comment:

"This bill and the foregoing remarks of the majority remind me of an old Arabian proverb: 'If the camel once gets his nose in the tent, his body will soon follow.'

"If adopted, the legislation will mark the inception of aid, supervision, and ultimately control of education in this country by Federal authorities."

This prediction was confirmed in 1961 when the National Defense Education Act was further extended and its substantive provisions expanded in important respects. At that time we submitted our minority views and the position we took then is unqualifiedly relevant to the present committee bill which carries this expansion process even further. We quote from the opening paragraphs of those minority views:

"We oppose the bill reported by the committee amending the National Defense Education Act primarily because it constitutes a giant step in the direction of Federal control of our educational system and for the following reasons, as well:

"2. It departs further and further from the stated objective contained in the policy section of the act, to wit, to train more of our citizens in science, mathematics, and modern foreign languages in order to strengthen the national defense.

"3. Although the act was originally adopted on a temporary basis to meet an alleged defense emergency, the committee bill makes significant provisions of the act permanent without sufficient information to justify such extension, and at the risk of stifling private and other institutional sources of educational assistance.

"4. It abounds in discrimination, inconsistencies, and inequities.

"5. It has been made a vehicle for securing adoption of provisions, programs, and educational schemes which are totally unrelated to the purposes of the act, and which either standing alone, or embodied in more relevant legislation, would receive short shrift from the Congress.

"6. It fails to include, or includes inadequately, provisions directly related to defense, provisions far more essential to the security of the Nation than some of those contained in the bill as reported.

"7. It fails to include adequate safeguards against using our schoolchildren as captive and involuntary guinea pigs for purposes of experimentation wholly unrelated to the true objectives of education.

"3. It fails to provide adequate safeguards against the kind of administration of the act, which during the period of almost 3 years since the act became effective, has resulted in serious departures from the purposes of the act."

As we have indicated, the committee bill carries this development even further. With its enactment, the National Defense Education Act would be transformed into a program which approximates a species of general Federal aid to education, and in which the provisions related to the national defense have become the less important portion of the legislation. To paraphrase a well-known expression, what we are witnessing is the slow but relentless advent of Federal regulation of education carried out on the installment plan and seeking to remain undetected under the protective cloak of national defense.

Title II which extends for 2 years Public Laws 815 and 874 providing aid for federally impacted areas has no business in the committee bill, being totally unrelated to any of its other provisions. Its inclusion appears designed to make it difficult for those who support Public Laws 815 and 874 to vote against the bill. These two laws which have been on the statute books for many years, enjoy broad support in the Congress and includes many who are unenthusiastic about or are opposed to Federal aid to education We regard these two statutes, and our view is widely shared, not as Federal aid to education but as Federal payments in lieu of State and local taxes.

In conclusion we would like to say that all forms of financial assistance for education by the Central Government would be rendered superfluous if the Congress were to adopt a program of tax credits, as recommended in the Republican platform of 1964, one form of which was narrowly rejected by the Senate in the last session. We are optimistic that the tax credit approach will ultimately prevail.

BARRY GOLDWATER.
JOHN G. TOWER.

Mr. MANSFIELD. Mr. President, I move to include at the appropriate places in titles 3 and 6 the term "industrial arts."

Mr. MORSE. Mr. President, I plead with the Senator from Montana not to press for that amendment, for these reasons. We have considered this provision. While many of us might favor it at another time, I feel there is no chance of getting it through my subcommittee now. There is little chance, if any, of getting it through conference. If the bill is passed in its present form, there is a strong possibility that it will not be necessary to have a conference. If this amendment were to be included, it would be necessary to go to conference, and in my judgment the House would not consider the amendment. The House committee has rejected it. Strong representations have been made to me, as chairman of the subcommittee, by spokesmen of the House that under no circumstances will the House accept this amendment. I do not believe in going through wasted motion. There is no chance of having the amendment adopted. We have already gone a long way down this road in the vocational education bill, now a law. We have done much for industrial arts in the Vocational Education Act.

I urge the majority leader not to press for this amendment. Take my word for it that we would be wasting our time if we tried to have it adopted. It would set back the whole program.

Mr. MANSFIELD. Of course, I will accede the reasonable request made by the Senator from Oregon. I am glad to know that we have gone a long way down the road of vocational education.

I should like the assurance of the Senator from Oregon that the question of industrial arts per se will be given further emphasis in the period ahead.

Mr. MORSE. I give the majority leader my assurance that I will join in offering it as an amendment to the NDEA Act next year, so that hearings can be held on it. We have not had an opportunity to hold full hearings on the proposal since much of the support for it has been generated since our S. 580 hearings last year. I am confident that the proponents of the proposal can make a strong case and I would want to have it, through hearings, as a base for future action in this area.

Mr. MANSFIELD. As the Senator knows, the distinguished Senator from Indiana [Mr. BAYH] is extremely interested in industrial arts.

Mr. MORSE. I understand. I will join in offering such an amendment next year.

EDUCATION BILLS IMPORTANT FOR ALASKA'S PROGRESS

Mr. BARTLETT. Mr. President, I rise in support of S. 3060, a bill reported by the Committee on Labor and Public Welfare which extends for 3 years the National Defense Education Act and existing impacted areas education legislation. The measure is of utmost importance to my State and the Nation, and I strongly urge Senate approval.

President Kennedy once called education "the keystone in the arch of freedom and progress." It is a vital component in our people's well-being and in the strength and vitality of our Nation. The age in which we are living places few demands upon us as urgently as the demand for educational excellence.

The NDEA during its 6 years of operation has proved itself to be among the best conceived of recent congressional programs. There can be little doubt that it has prompted hundreds of colleges to set up loan programs and has enabled thousands of students to obtain a college education. In 1958 only 100 colleges had loan programs of even modest dimensions. Since NDEA's adoption this number has been increased fifteenfold. Commissioner of Education Keppel has testified that through fiscal year 1963 more than 497,000 students, including 325,000 prospective teachers, borrowed approximately $325 million from the student loan funds of 1,526 colleges and universities.

Alaska's colleges and college students have shared greatly in NDEA's benefits. Our institutions of higher learning—Alaska Methodist University, Sheldon Jackson Junior College, the University of Alaska, and the university's five community branches—have been enabled to extend 274 student loans and 6 graduate fellowships, totaling some $216,895. During fiscal year 1964 alone, 92 loans and 4 fellowships were made available, totaling $110,055.

The circumstances which made the original adoption of the NDEA a necessity make its continuation and expansion even more imperative. Modern life and work, more than ever, demand a college education. Yet college doors continue to be barred for many because of the rising college costs. In the academic year 1962–63 the average direct cost of attending a State school was $1,480. The figure was $2,240 for private colleges. This is more than one-third of the average American's yearly income of $6,000. It is no wonder that, as Commissioner Keppel has testified:

Each year more than 100,000 high school graduates with high aptitude and interest in college fail to continue their education because of financial inability.

It is no wonder that 51.8 percent of the boys and 74.3 percent of the girls, who are in the second quartile in college aptitude and whose families have an income of less than $3,000, fail to enter college. In families with incomes of $12,000, over 75 percent of the children of comparable aptitude are able to attend. Nor is it any wonder that 40 percent of those who enter college fail to graduate. Of course, other factors are involved, but economic difficulties play all too prominent a role.

These figures point to educational deprivations, to inequalities of opportunity, and to manpower and talent losses we can ill afford.

Again, let us glance at some figures for Alaska. Out of 1,625 high school graduates in 1963, only 764—or 47 percent—entered college. University of Alaska enrollment data reveals an attrition rate of over 50 percent between the freshman and senior years.

NDEA has helped, but we must do more. I am pleased to be a cosponsor of S. 2490, introduced by Senator HARTKE. This comprehensive college student aid measure includes a loan-insurance provision and a program of undergraduate scholarships. I hope this bill will receive the attention of the Senate before the session ends.

The Economic Opportunity Act contains a work-study provision that would permit colleges to expand their supply of part-time jobs. The Nurse Training Act, which has been passed by the House and is awaiting Senate consideration, would institute a loan program for nursing students and enlarge the present program of traineeship grants for advanced students.

Now we must pass S. 3060, extending and expanding the NDEA student loan program.

It would increase the funds authorized for student loans from the present $135 million a year to $145 million in fiscal year 1965, to $165 million in 1966, to $180 million in 1967, and to $195 million in 1968. Thus, more of the students and institutions which are needing and requesting NDEA funds could be accomodated.

The bill would also allow the inclusion of part-time students under the student loan program. Certain nonprofit, accredited business schools would be enabled to participate. This would offer

assistance to numerous people who are seeking to advance their learning and skills through night school or summer sessions, often while supporting a family. In Alaska it should be of particular help to those students taking advantage of the State University's extension courses.

The loan ceiling for graduate and professional students would be increased from the present $1,000 to $2,500 annually and from $5,000 to $10,000 in the aggregate. Such a provision is realistic in the light of rising graduate school fees and the numerous responsibilities graduate students must frequently assume.

Another amendment, and one wholly consistent with the National Defense Education Act's aim of teacher recruitment, would extend the act's 50-percent forgiveness provisions to students who later teach in private elementary and secondary schools or in institutions of higher education.

Finally, the bill would expand the graduate fellowship program of the National Defense Education Act. Stairstep increases would result in 10,000 fellowships being offered annually by 1967.

Although National Defense Education Act's best known feature is probably its college student loan program, the act has been of great benefit to our public elementary and secondary schools as well. For example, under title III of the National Defense Education Act, the Alaska State Department of Education has received some $365,886 in grants on a 50–50 matching basis for the purpose of improving public school instruction in science, mathematics, and modern foreign languages. Funds under this title have financed the purchase of laboratory apparatus, audiovisual equipment, and printed materials, and the remodeling of classrooms and instruction facilities. The bill before us would extend this program 3 years and add the vital fields of English, remedial reading, geography, civics, and history to the areas it includes.

Title V of the National Defense Education Act provides funds on a 50–50 matching basis for States which develop programs of testing, guidance, and vocational and academic counseling. It seems to me that such programs would assist in alleviating the dropout problem and encouraging able students to continue in college. Both problems are serious in Alaska. As I have previously mentioned, our high school dropout rate is a high 36 percent. Only 49 percent of our high school graduates enter college. Our State has already received $116,840 under title V and has a great stake in the continuation and expansion of the counseling and guidance program. This the committee bill would accomplish, including in its coverage elementary schools and public junior colleges as well as high and junior high schools.

The bill's NDEA amendments would also continue the program of grants and training allowances for short-term training institutes in guidance counseling, and would expand the section to cover courses for librarians and educational media specialists.

Finally, NDEA's title X program, which finances State educational studies and statistical services, would be continued and improved. This is a program under which Alaska has received $118,400 since 1958.

The second major section of the committee's bill would continue for 3 years the provisions of Public Laws 815 and 874. The first of these provides school construction assistance; the second relieves the expenses of schools operating in Federal impact areas. This helps such areas to care for increased student enrollments due to Federal activity.

These programs have been in effect since 1950. The aid they have brought to Alaska has been both generous and vitally important. From 1950 to 1963 Alaska school districts have received $48,608,572 for operating expenses, $18,114,768 for on-base construction of facilities and $12,838,691 for construction of buildings in communities. It is estimated that Alaska will receive grants for fiscal year 1964 which total $9,529,620 for school operations and $3,356,149 for school construction on the bases of the armed services, the Federal Aviation Agency, other Government agencies, and communities. This assistance has enabled Alaska to provide an educational system that is among the finest in the Nation.

The committee bill also calls on the Commissioner of Education to suggest by June 30, 1965, such changes in existing law as he thinks warranted. As successful and workable as the impacted areas plan has been, I believe the committee was wise in asking for this study.

Mr. President, the National Defense Education Act and Public Laws 815 and 874 have proved their worth, to my State and to the Nation. I commend the committee for the 3-year extensions and the strengthening amendments they have suggested. We must at least enact this bill. And I hope we shall do more before this session ends.

Mr. BAYH. Mr. President, I want to express my appreciation to the majority leader for his intercession in behalf of aid to industrial arts education.

In view of the assurances which the Senator from Oregon has given, I personally will not insist now on this amendment. I want to emphasize, however, my disappointment that the 1964 legislation does not include aid to this deserving branch of education, and my hope that this deficiency will be corrected in the next Congress.

Industrial arts is the only curriculum area in general education devoted primarily to the interpretation of industry, which is the most dominant characteristic of our society. It helps students to prepare for living in an industrial democracy and provides a foundation for specific occupational and educational opportunities. Thus, the future scientist, engineer, technician, and workman gains an insight into the requirements which he has to value once he chooses his future occupation.

Industrial arts greatly contribute to all ability levels as evidenced in a study being conducted by the U.S. Office of Education. A 10 percent sampling reveals that 46 States offer industrial arts for upper ability students, and 25 States have industrial arts for slow students. In the school year 1948–49, the enrollment of students studying industrial arts courses totaled 1,762,242. The U.S. Office of Education estimates that over 3,500,000 students are currently studying industrial arts courses.

Despite the great increase in student enrollment, the number of earned degrees—bachelor—in industrial arts education declined from 3,750 in 1958–59 to 3,376 in 1961–62. In a survey of industrial arts teacher education programs in 1958, Marshall L. Schmitt, specialist for industrial arts, U.S. Office of Education, found that only 61 percent of the college graduates of industrial arts went into teaching. The remaining graduates went into industry and military service. These statistics show the tremendous pressures placed upon industrial arts programs to meet the needs of the rapidly rising school population with fewer qualified teachers. The survey indicates that many industrial arts programs are being taught by teachers who hold substandard certificates. These teachers are expected to continue their study in order to become qualified in this field. To strengthen further the industrial arts programs, most school systems encourage and require their teachers to pursue graduate work and eventually obtain a higher degree. The shortage of industrial arts teachers, evidenced by a recent survey reported on the following pages, has created a large gap that will seriously impair the industrial arts program unless we can upgrade our personnel. Since industrial arts is the study of industrial materials, products, and processes, and the problems related to our technical society, it is imperative that our teachers continually seek new content and better methods of presenting modern industrial concepts and ideas to the American youth.

The following survey illustrates the shortages of industrial arts teachers as reported by a joint group of State supervisors of industrial arts and teacher educators during the AIAA annual convention, held in Washington, D.C., March 30–April 3, 1964:

RANDOM SAMPLES OF 11 STATES REPORTING SHORTAGES OF INDUSTRIAL ARTS TEACHERS FOR THE SCHOOL YEAR 1963–64

California: Eleven colleges produced 250 graduates. State needs 500 per year. Teacher supply only one-half of need.

Florida: State colleges produce only one-third of State need for industrial arts teachers. In September 1963, 25 industrial arts classes had to be closed because of lack of teachers.

Georgia: Georgia colleges graduated 40 industrial arts teachers in 1963. Twenty entered teaching (others went into industry). State need was about 60 teachers or three times supply.

Indiana: In September 1963, 40 industrial arts classes had to be left unfilled because of shortage of industrial arts teachers.

Maryland: State university and colleges in 1963 could supply only 20 percent of industrial arts teachers requested by local boards of education.

Massachusetts: Colleges in Massachusetts graduated 37 industrial arts teachers in 1963. Approximately 40 percent went into industry. State requirement of industrial arts teachers was between 50 and 60 new teachers.

Michigan: The seven universities and colleges which have teacher education programs in industrial arts could supply only one-third of the requests of superintendents of schools in 1963.

New Jersey: In 1963, New Jersey graduated 37 industrial arts teachers. The State required 300 teachers. In 1963, 163 industrial arts teachers were on emergency certificates.

New York: In New York City alone there is a current shortage of 100 industrial arts teachers. In upper-State New York, 50 or more industrial arts teachers are working on a temporary, unlicensed certificate.

North Carolina: In the depressed Appalachian county where industrial arts is badly needed, there are no industrial arts teachers because of lack of funds. At Appalachian State Teachers College only 14 industrial arts teachers graduated in 1963, but the requests totaled 150.

Pennsylvania: In 1963, 15 percent of the industrial arts laboratories were closed or filled with unqualified teachers. Philadelphia, where industrial arts is so badly needed to help eliminate the dropout problem, had a shortage of approximately 50 industrial arts teachers in 1963.

In view of thse facts I regret very much that it is impossible to secure an amendment to section 611(a), to include industrial arts as a field eligible for institutes for advanced study, and I hope that next year Congress will give serious consideration of alleviating this critical need.

Mr. COOPER. Mr. President, as a cosponsor of the original National Defense Education Act of 1958, and as one who has spoken and voted in the Senate for its extension since that time, I want to express my support for S. 3060, the bill which is before us today. As one who has also during my service in the Senate, supported Public Law 815 and Public Law 874, which are so important to our local public schools in federally impacted areas, I am glad that this bill makes provision for extending these laws through June 30, 1967, so that our school districts can plan their costs and obligations accordingly.

I am pleased that the 3-year extension of the National Defense Education Act, to June 30, 1968, as proposed in S. 3060, includes provision for additional educational needs which bear upon the development of the mental resources of our young men and our young women, and upon the continuing security of our Nation. These resources are the future strength of our Nation, and they will be materially improved especially by the provision of this bill which authorizes a training and institute program for teachers of English, remedial reading, history, geography and civics, and by assistance to those preparing to become school librarians or educational media specialists.

Just as thousands of students and teachers in my own State of Kentucky, in dozens of schools and colleges there, have already benefited from existing provisions of the National Defense Education Act, so many others in Kentucky and across the country can benefit from the improvement in the vital preparation for teaching our native language, and for teaching these other subjects which are so important in helping our young people to learn about the world around us, and in promoting effective citizenship for future generations. I think S. 3060 is a good bill, and I hope the Senate will pass it today.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 3060) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO NATIONAL DEFENSE EDUCATION ACT OF 1958

Part A—Loans to students in institutions of higher education

Definition Amendment

SEC. 101. The second sentence of section 103(b) of the National Defense Education Act of 1958 is amended by striking out "private" and by striking out "(3),".

Appropriations Authorized

SEC. 102. The first sentence of section 201 of the National Defense Education Act of 1958 is amended by striking out "and $135,000,000 for the fiscal year ending June 30, 1965, and such sums for the fiscal year ending June 30, 1966, and each of the next three fiscal years as may be necessary to enable students who have received loans for school years ending prior to July 1, 1965, to continue or complete their education" and inserting in lieu thereof "$145,000,000 for the fiscal year ending June 30, 1965, $165,000,000 for the fiscal year ending June 30, 1966, $180,000,000 for the fiscal year ending June 30, 1967, and $195,000,000 for the fiscal year ending June 30, 1968, and such sums for the fiscal year ending June 30, 1969, and each of the next three fiscal years as may be necessary to enable students who have received loans for school years ending prior to July 1, 1968, to continue or complete their education".

Allotments to States

SEC. 103. Section 202 of the National Defense Education Act of 1958 is amended by striking out "1965" wherever it appears therein and inserting in lieu thereof "1968".

Payment of Federal Capital Contributions

SEC. 104. Effective with respect to fiscal years beginning after June 30, 1964, section 203 of the National Defense Education Act of 1958 is amended by striking out subsection (b) and by striking out "(a)" after "SEC. 203.".

Conditions of Agreements

SEC. 105. (a) Paragraph (4)(B) of section 204 of the National Defense Education Act of 1958 is amended to read as follows: "(B) other students with a superior academic background; and".

(b) The amendment made by subsection (a) of this section shall apply to the selection of students under title II of the National Defense Education Act of 1958 made in or after the second month following the month in which this Act is enacted.

Terms of Loans

SEC. 106. (a) Subsection (a) of section 205 of the National Defense Education Act of 1958 is amended to read as follows:

"(a) The total of the loans for any academic year or its equivalent, as determined under regulations of the Commissioner made by institutions of higher education from loan funds established pursuant to agreements under this title may not exceed $2,500 in the case of any graduate or professional student (as defined in regulations of the Commissioner), and may not exceed $1,000 in the case of any other student. The aggregate of the loans for all years from such funds may not exceed $10,000 in the case of any graduate or professional student (as so defined, and including any loans from such funds made to such person before he became a graduate or professional student), or $5,000 in the case of any other student."

(b)(1) Paragraph (1) of subsection (b) of such section 205 is amended to read as follows:

"(1) such a loan shall be made only to a student who (A) is in need of the amount of the loan to pursue a course of study at such institution, and (B) is capable, in the opinion of the institution, of maintaining good standing in such course of study, and (C) has been accepted for enrollment as a student in such institution or, in the case of a student already attending such institution, is in good standing there either as an undergraduate, graduate, or professional student, and (D) is carrying at least one-half the normal full-time academic workload as determined by the institution;".

(2) Paragraph (2) of such subsection (b) of such section 205 is amended by striking out "and (D)" and inserting in lieu thereof the following: "(D) the institution may provide that periodic installments need not be paid during any period or periods, aggregating not in excess of three years, during which the borrower is in part-time attendance at an institution of higher education taking courses which are creditable toward a degree, and may also provide that any such period shall not be included in determining the ten-year period during which the repayment must be completed, but interest shall continue to accrue during any such period, and (E)".

(3) Paragraph (3) of such subsection (b) of such section 205 is amended to read as follows:

"(3) not to exceed 50 per centum of any such loan (plus interest) shall be canceled for service as a full-time teacher in a public or other nonprofit elementary or secondary school in a State, in an institution of higher education, or in an elementary or secondary school overseas of the Armed Forces of the United States, at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service for each complete academic year of such service."

(4) Paragraph (4) of subsection (b) of such section 205 is amended by inserting immediately before the semicolon at the end thereof the following: "in all cases except where the date on which repayment is to begin is suspended by reason of clause (D) of paragraph (2)".

(c) The amendment made by subsection (a) shall apply for purposes of determining the amount of any loans under title II of the National Defense Education Act of 1958 for academic years beginning after the date of enactment of this Act. The amendments made by paragraphs (2) and (4) of subsection (b) shall apply to any loan (under an agreement under title II of the National Defense Education Act of 1958) outstanding on the date of enactment of this Act only with the consent of the institution which made the loan. The amendment made by paragraph (3) of subsection (b) shall apply with respect to service performed during academic years beginning after the enactment of this Act, whether the loan was made before or after such enactment.

Distribution of Assets From Student Loan Funds

SEC. 107. Section 205 of the National Defense Education Act of 1958 is amended by striking out "1969" wherever it appears therein and inserting in lieu thereof "1972".

Part B—Financial assistance for strengthening instruction in science, mathematics, modern foreign languages, and other critical subjects

Extension of Title

SEC. 111. Title III of the National Defense Education Act of 1958 is amended by striking "TITLE III—FINANCIAL ASSISTANCE FOR STRENGTHENING SCIENCE, MATHEMATICS, AND MODERN FOREIGN LANGUAGE INSTRUCTION" as it appears as the heading of that title, and inserting in lieu thereof:

"TITLE III—FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN SCIENCE, MATHEMATICS, MODERN FOREIGN LANGUAGES, AND OTHER CRITICAL SUBJECTS"

Appropriations Authorized

SEC. 112. Section 301 of the National Defense Education Act of 1958 is amended to read as follows:

"Appropriations Authorized

"SEC. 301. There are hereby authorized to be appropriated $70,000,000 for the fiscal year ending June 30, 1959, and for each of the five succeeding fiscal years, and $90,000,000 for the fiscal year ending June 30, 1965, and for each of the three succeeding fiscal years, for (1) making payments to State educational agencies under this title for the acquisition of equipment (suitable for use in providing education in science, mathematics, history, civics, geography, modern foreign language, English, or remedial reading), but excluding supplies which are consumed in use, and for minor remodeling described in paragraph (1) of section 303(a), and (2) making loans authorized in section 305. There are also authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1959, and for each of the five succeeding fiscal years, and $10,000,000 for the fiscal year ending June 30, 1965, and for each of the three succeeding fiscal years, for making payments to State educational agencies under this title to carry out the programs described in paragraph (5) of section 303(a)."

Allotments to States

SEC. 113. (a) The second sentence of subsection (a)(2) of section 302 of the National Defense Education Act of 1958 is amended by striking out "as soon as possible after the enactment of this Act, and again between July 1 and August 31 of 1959" and inserting in lieu thereof "between July 1 and August 31 of each even-numbered year beginning with calendar year 1964".

(b) The third sentence of such subsection is amended to read as follows: "Each such promulgation shall be conclusive for each of the two fiscal years in the period July 1 next succeeding such promulgation, except that the ratios promulgated in 1959 shall be conclusive for each of the five fiscal years in the period beginning July 1, 1960, and ending June 30, 1965."

(c) Effective with respect to allotments under subsection (b) of section 302 of such Act for fiscal years beginning after June 30, 1964, the third sentence of such subsection is amended by striking out "$20,000" wherever it appears therein and inserting in lieu thereof "$50,000".

State Plans

SEC. 114. (a) Clause (A) of section 303(a)(1) of the National Defense Education Act of 1958 is amended to read as follows: "(A) acquisition of laboratory and other special equipment (other than supplies consumed in use), including audiovisual materials and equipment, and printed and published materials (other than textbooks), suitable for use in providing education in science, mathmatics, history, civics, geography, modern foreign language, English, or remedial reading in public elementary or secondary schools, or both, and of testgrading equipment for such schools and specialized equipment for audiovisual libraries serving such schools, and".

(b) Paragraph (5) of section 303(a) is amended by striking out "and modern foreign languages" and inserting in lieu thereof "history, civics, geography, modern foreign languages, English, and remedial reading".

Payments to States

SEC. 115. The second sentence of subsection (b) of section 304 of such Act is amended by striking out "five" and inserting in lieu thereof "eight".

Interest Rates

SEC. 116. Paragraph (3) of subsection (b) of section 305 of such Act is amended by striking out "as of the last day of the month" and inserting in lieu thereof the following: "as computed at the end of the fiscal year next".

Part C—Fellowships

Number of Fellowships

SEC. 121. Effective July 1, 1964, section 402(a) of the National Defense Education Act of 1958 is amended to read as follows:

"Number of Fellowships

"SEC. 402. (a) During the fiscal year ending June 30, 1965, the Commissioner is authorized to award not to exceed five thousand fellowships to be used for study in graduate programs at institutions of higher education, during the fiscal year ending June 30, 1966, he is authorized to award not to exceed seven thousand five hundred such fellowships, and during each of the two succeeding fiscal years, he is authorized to award not to exceed ten thousand such fellowships. Such fellowships may be awarded for such period of study as the Commissioner may determine, but not in excess of three academic years, except that where a fellowship holder pursues his studies as a regularly enrolled student at the institution during periods outside the regular sessions of the graduate program of the institution, a fellowship may be awarded for a period not in excess of three calendar years."

Award of Fellowships and Approval of Institutions

SEC. 122. (a) The first sentence of subsection (a) of section 403 of the National Defense Education Act of 1958 is amended to read as follows: "Of the total number of fellowships authorized by section 402(a) to be awarded during a fiscal year (1) not less than one-third of such fellowships awarded during the fiscal years ending June 30, 1965, and June 30, 1966, and not less than 2,500 for each fiscal year thereafter, shall be awarded to individuals accepted for study in graduate programs approved by the Commissioner under this section, and (2) the remainder shall be awarded on such bases as he may determine, subject to the provisions of subsection (c). The second sentence of subsection (a) of such section is amended by striking out ", and" at the end of clause (2) and inserting in lieu thereof a period, and by striking out clause (3) thereof.

(b) Section 403(b) of such Act is amended by striking out "under this title" and inserting in lieu thereof "as described in clause (1) of the first sentence in subsection (a)", and by inserting before the period at the end thereof the following: ", and the Commissioner shall give consideration to such objective in determining the number of fellowships awarded under this title for attendance at any one institution of higher education".

(c) Section 403 of such Act is further amended by adding at the end thereof the following new subsections:

"(c) Recipients of fellowships under this title shall be persons who are interested in teaching, or continuing to teach, in institutions of higher education and are pursuing, or intend to pursue, a course of study leading to a degree of doctor of philosophy or an equivalent degree.

"(d) No fellowship shall be awarded under this title for study at a school or department of divinity. For the purposes of this subsection, the term 'school or department of divinity' means an institution or department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects."

(d) The amendments made by this section shall become effective July 1, 1964.

Fellowship Stipends

SEC. 123. (a) Section 404(a) of the National Defense Education Act of 1958 is amended (1) by striking out "after the baccalaureate degree", and (2) by adding at the end thereof the following: "The stipend for any such person for any such academic year shall, if, prior to such year, he has had two or more academic years of teaching experience at a college or university, be increased to the extent provided in accordance with regulations of the Commissioner based on the length of such experience and such other factors as the Commissioner deems relevant to the objectives of this title; except that the amount of such stipend for any academic year of study may not exceed $4,800 plus $400 for each of his dependents. Where a person awarded a fellowship under this title for study at an institution of higher education pursues his studies as a regularly enrolled student at such institution during periods outside of the regular sessions of the graduate program of the institution, the Commissioner may make appropriate adjustments in his stipends and allowances for dependents."

(b) The amendment made by this section shall apply in the case of stipends and allowances under section 404(a) of such Act which are paid with respect to periods in academic years begining after the enactment of this Act.

Part D—Guidance, counseling, and testing; identification and encouragement of able students

Appropriations Authorized

SEC. 131. Section 501 of the National Defense Education Act of 1958 is amended by striking out "and $17,500,000 each for the fiscal year ending June 30, 1964, and the succeeding fiscal year," and inserting in lieu thereof "$17,500,000 for the fiscal year ending June 30, 1964, $25,000,000 for the fiscal year ending June 30, 1965, $25,500,000 for the fiscal year ending June 30, 1966, $32,500,000 for the fiscal year ending June 30, 1967, and $37,500,000 for the fiscal year ending June 30, 1968,".

State Plans

SEC. 132. Paragraphs (1) and (2) of section 503(a) of the National Defense Education Act of 1958 are amended to read as follows:

"(1) a program for testing students in the public elementary and secondary schools of such State or in the public junior colleges and technical institutes of such State, and if authorized by law, in other elementary and secondary schools and in other junior colleges and technical institutes in such State, to identify students with outstanding aptitudes and ability, and the means of testing which will be utilized in carrying out such program; and

"(2) a program of guidance and counseling at the appropriate levels in the public elementary and secondary schools or public junior colleges and technical institutes of such State (A) to advise students of courses of study best suited to their ability, aptitudes, and skills, (B) to advise students in their decisions as to the type of educational program they should pursue, the vocation they should train for and enter, and the job opportunities in the various fields, and (C) to encourage students with outstanding aptitudes and ability to complete their secondary school education, take the necessary courses for admission to institutes

of higher education, and enter such institutions."

Payments to States

SEC. 133. (a) Section 504(a) of the National Defense Education Act of 1958 is amended by striking out "five" and inserting in lieu thereof "eight".

(b) Section 504(b) of such Act is amended by striking out ", who are not below grade 7,", and by striking out "six" and inserting in lieu thereof "nine", and by inserting after "schools" the first time it appears the following: ", or junior colleges or technical institutes,".

Junior Collegee and Technical Institutes

SEC. 134. Title V of the National Defense Education Act of 1958 is amended by inserting after section 504 the following new section:

"Definitions

"SEC. 505. For the purposes of this title, the term 'junior colleges or technical institutes' means (1) institutions of higher education which are organized and administered principally to provide a two-year program which is acceptable for full credit toward a bachelor's degree, and (2) institutions which meet the requirements of clauses (1), (2), (4), and (5) of section 103(b) and are organized and administered principally to provide a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, and, if a branch of an institution of higher education offering four or more years of higher education, is located in a community different from that in which its parent institution is located."

Counseling and Guidance Training Institutes

SEC. 135. Section 511 of such Act is amended to read as follows:

"Authorization

"SEC. 511. (a) There are hereby authorized to be appropriated $6,250,000 for the fiscal year ending June 30, 1959, $7,250,000 for the fiscal year ending June 30, 1960, and for each of the four succeeding fiscal years, and $10,000,000 for the fiscal year ending June 30, 1965, and for each of the three succeeding fiscal years, to enable the Commissioner to arrange, through grants or contracts, with institutions of higher education for the operation by them of short-term or regular session institutes for advanced study, including study in the use of new materials, to improve the qualification of individuals who are engaged, or are teachers preparing to engage in counseling and guidance of students in elementary or in secondary schools or in institutions of higher education including junior colleges and technical institutes as defined in section 505.

"(b) Each individual who attends an institute operated under the provisions of this part shall be eligible (after application therefor) to receive a stipend at the rate of $75 per week for the period of his attendance at such institute, and each such individual with one or more dependents shall receive an additional stipend at the rate of $15 per week for each such dependent."

Part E—Language development and institutes for advanced study in teaching certain critical subjects

Extension of Title

SEC. 141. (a) Title VI of the National Defense Education Act of 1958 is amended by striking "TITLE VI—LANGUAGE DEVELOPMENT" as it appears as the heading of that title, and inserting in lieu thereof, "TITLE VI—LANGUAGE DEVELOPMENT AND INSTITUTES FOR ADVANCED STUDY IN TEACHING CERTAIN CRITICAL SUBJECTS".

(b) Section 601 of the National Defense Education Act of 1958 is amended by striking out "1965" wherever it appears therein and inserting in lieu thereof "1968".

(c) Section 603 of such Act is amended to read as follows:

"Appropriations Authorized

"SEC. 603. There are hereby authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1964, $13,000,000 for the fiscal year ending June 30, 1965, $14,000,000 for the fiscal year ending June 30, 1966, and $16,000,000 for the fiscal year ending June 30, 1967, and $18,000,000 for the fiscal year ending June 30, 1968, to carry out the provisions of this part."

Institutes for Advanced Study in Teaching Certain Critical Subjects

SEC. 142. Effective July 1, 1964, part B of title VI of the National Defense Education Act of 1958 is amended to read as follows:

"Part B—Institutes for advanced study in teaching certain critical subjects

"Authorization

"SEC. 611. (a) There hereby authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1965, and for each of the three succeeding fiscal years, to enable the Commissioner to arrange, through grants or contracts, with institutions of higher education for the operation by them of short-term or regular session institutes for advanced study, including study in the use of new materials, to improve the qualification of individuals who are or are preparing to become school librarians or educational media specialists, or who are engaged in or are preparing to engage in the teaching, or supervising or training of teachers, of history, civics, geography, modern foreign languages, English, or remedial reading in elementary or secondary schools.

"(b) Each individual who attends an institute operated under the provisions of this part shall be eligible (after application therefor) to receive a stipend at the rate of $75 per week for the period of his attendance at such institute, and each such individual with one or more dependents shall receive an additional stipend at the rate of $15 per week for each such dependent."

Part F—Utilization of television, radio, motion pictures, and related media for educational purposes

Extension of Program

SEC. 151. Section 763 of the National Defense Education Act of 1958 is amended by striking out "six succeeding fiscal years" and inserting in lieu thereof "nine succeeding fiscal years".

Part G—Miscellaneous

State Administration

SEC. 161. (a) Subparagraph (2) of section 1004(a) of the National Defense Education Act of 1958 is amended by inserting before the semicolon ", and will keep such records and afford such access thereto as are necessary to assure the correctness and verification of such reports".

(b) Subparagraph (3) of such section 1004(a) is amended by strikingout "disbursement" and inserting in lieu thereof "application".

Extension of Statistical Services Program

SEC. 162. (a) Subsection (a) of section 1009 of the National Defense Education Act of 1958 is amended by striking out "six succeeding fiscal years" and inserting in lieu thereof "nine succeeding fiscal years".

(b) Such section 1009 is further amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following new subsection:

"(b)(1) From the sums appropriated pursuant to subsection (a) for any fiscal year the Commissioner shall allot to each State (not including the Canal Zone, Guam, American Samoa, or the Virgin Islands) $50,000, and to the Canal Zone, Guam, American Samoa, or the Virgin Islands $25,000, and from the balance then remaining shall allot to each State an additional amount which bears the same ratio to such balance as the school-age population of such State bears to the total of the school-age populations of all the States, except that of such balance no State may receive an amount in excess of (A) $125,000 or (B) 10 cents multiplied by the school-age population of the State, whichever is the smaller. Any portion of such balance which, by reason of the application of the limitations in clauses (A) and (B) of the preceding sentence, remains after allotments (or reallotments) have been made under such sentence shall be realloted among the States to which the limitations in such clauses do not apply, in proportion to the original allotments to such States under the preceding sentence, but subject to the limitations in such clauses.

"(2) The amount of any State's allotment under pargaraph (1) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out programs under subsection (c) shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under paragraph (1) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such programs for such year and subject to the limitations in clauses (A) and (B) of paragraph (1) and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount realloted to a State under this paragraph during such year shall be deemed part of its allotment under paragraph (1) for such year."

(c) The subsection of such section 1009 herein redesignated as subsection (c) is amended by striking out "improving" in clause (1), by inserting "and maintenance" after "development" in clause (2), by striking out "improving methods for" in clause (4), and by striking out "$50,000" and inserting in lieu thereof "its allotment for such year" in the last sentence thereof.

(d) The subsection of such section 1009 herein redesignated as subsection (d) is amended by striking out "(1) only to the extent it is a new program or an addition to or expansion of an existing program, and (2)", and by striking out "(d)" and inserting in lieu thereof "(e)".

Part H—Amendments of Table of Contents

Table of Contents

SEC. 171. The table of contents of the National Defense Education Act of 1958 is amended—

(1) by striking out

"TITLE III—FINANCIAL ASSISTANCE FOR STRENGTHENING SCIENCE, MATHEMATICS, AND MODERN FOREIGN LANGUAGE INSTRUCTION"

and inserting in lieu thereof

"TITLE III—FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN SCIENCE, MATHEMATICS, MODERN FOREIGN LANGUAGES, AND OTHER CRITICAL SUBJECTS";

(2) by inserting after

"Sec. 504. Payments to States."

the following:

"Sec. 505. Definitions.";

(3) by striking out

"TITLE VI—LANGUAGE DEVELOPMENT"

and inserting in lieu thereof

"TITLE VI—LANGUAGE DEVELOPMENT AND INSTITUTES FOR ADVANCED STUDY IN TEACHING CERTAIN CRITICAL SUBJECTS"; AND

(4) by striking out

"Part b—language institutes"

and inserting in lieu thereof

"Part B—institutes for advanced study in teaching certain critical subjects".

TITLE II—FEDERALLY AFFECTED AREAS

Amendments to Public Law 815

SEC. 201. (a) The first sentence of section 3 of the Act of September 23, 1950, as amended (20 U.S.C. 631–645), is amended by striking out "1965" and inserting in lieu thereof "1967".

(b) Subsection (b) of section 14 of such Act is amended by striking out "1965" each time it appears therein and inserting in lieu thereof "1967".

(c) Paragraph (13) of section 15 of such Act is amended by inserting "the District of Columbia," after "Guam,".

(d) Paragraph (15) of section 15 of such Act is amended by striking out "1962–1963" and inserting in lieu thereof "1964–1965".

Amendments to Public Law 874

SEC. 202. (a) Sections 2(a), 3(b), and 4(a) of the Act of September 30, 1950, as amended (20 U.S.C. 236–244), are each amended by striking out "1965" each place where it appears and inserting in lieu thereof "1967".

b) Section 9(8) of such Act is amended by inserting "the District of Columbia," after "Guam,".

Comprehensive Study

SEC. 203. The Commissioner of Education shall submit to the Secretary of Health, Education, and Welfare for transmission to the Congress on or before June 30, 1965, a full report of the operation of Public Laws 815 and 874, as extended by this Act, and his recommendations as to what amendments to such laws should be made if they are further extended.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. CLARK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, I ask that the bill be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOSPITAL AND MEDICAL FACILITIES AMENDMENTS OF 1964

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1210, H.R. 10041.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 10041) to improve the public health through revising, consolidating, and improving the hospital and other medical facilities provisions of the Public Health Service Act.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. HILL. Mr. President, H.R. 10041 would extend for 5 additional years the hospital and medical facilities construction program of the Public Health Service that authorizes Federal funds to be allocated to the States to pay part of the costs of constructing public and other nonprofit hospitals, public health centers, long-term care facilities, rehabilitation facilities, and diagnostic or treatment centers.

For the construction of hospitals and public health centers and the modernization of health facilities, a total of $840 million is authorized to be appropriated over the 5 fiscal years 1965–69. Of that total, $680 million is designated for hospitals and public health centers and $160 million is designated for modernization. But up to $530 million of the hospital and public health center funds could be transferred to modernization, depending on the extent to which the States determine such transfer would better carry out the purposes of the title.

In other words, this $690 million can, under the law, be used for modernization as predetermined by State agencies. Furthermore, up to $70 million of the modernization funds could be transferred for the construction of new hospitals and public health centers, depending on the extent to which the States determine that the need for new hospitals and public health centers is greater than the need for modernization.

For the construction of long-term care facilities—nursing homes and chronic disease hospitals—a total of $350 million is authorized to be appropriated over the 5 fiscal years, 1965–69.

For the construction of diagnostic or treatment centers, a total of $100 million is authorized to be appropriated over the 5 fiscal years, 1965–69.

For the construction of rehabilitation facilities, a total of $50 million is authorized to be appropriated over the 5 fiscal years, 1965–69.

H.R. 10041 authorizes grants for area-wide health facility planning in metropolitan and other areas—$2.5 million in fiscal 1965 and $5 million in each of the next 4 years, with 50–50 Federal-State matching—and permits States to use 2 percent of their allotments—not to exceed $50,000 a year—to improve and strengthen the State administration of the construction program on a 50–50 matching basis.

The Hill-Burton Act was originally enacted in 1946 as Public Law 725. Since then a total of 7,306 projects have been recommended by the States and approved for Federal assistance in the construction of general, mental, and tuberculosis hospitals, rehabilitation facilities, and diagnostic or treatment centers, and State health laboratories. Almost 311,000 inpatient beds and 2,011 health facilities, other than hospitals, at a total cost of $6.7 billion have been constructed under the program. The total Federal share of $2.1 billion is less than one-third of the total construction costs.

State Hill-Burton agency reports to the Public Health Service show that $2.9 billion, including $1.2 billion in Federal funds, would be used for the construction of hospitals and other health facilities during 1965 and 1966 if there were no limitation on Federal funds under the Hill-Burton program.

State agencies report that we still need 133,000 additional new general hospital beds if the Nation's requirements are to be met and it is estimated that more than 13,000 general hospital beds are required annually just to take care of the annual increase in our population.

Of the 2,443 health service areas in the United States, only 979, or 40 percent, are reported by State health departments as having met 100 percent of their general hospital bed needs. The remaining 1,464 counties or health service areas need to construct additions to existing hospitals or to erect new hospitals.

The needs for modernizing existing hospitals and health facilities are also extensive. A 1960 study, conducted on a sampling basis by the Public Health Service in cooperation with State Hill-Burton agencies, revealed that it would cost at least $3.6 billion to modernize and replace existing facilities without increasing the total number of beds. The needs probably exceed $4 billion today, and in the general hospital field alone, the modernization requirement totals $2.8 billion.

The Hill-Burton program is a milestone in successful Federal, State, and local grant-in-aid programs. Its success can be measured by the network of modern and efficient hospitals which have been built throughout the United States. The 5-year extension authorized by H.R. 10041 would allow the program to go forward without interruption toward meeting the needs for hospitals and other health and medical care facilities.

Mr. CARLSON. Mr. President, will the Senator from Alabama yield?

The PRESIDING OFFICER (Mr. WALTERS in the chair). Does the Senator from Alabama yield to the Senator from Kansas?

Mr. HILL. I am glad to yield to the Senator from Kansas.

Mr. CARLSON. Mr. President, this is one program in which we have had outstanding cooperation between the local community and the Federal Government. I commend the Senator for bringing the bill before the Senate once again. On many occasions in the past, the Senator from Alabama has visited with me regarding the program. I not only fully support it, but I am also pleased at the fine results which have been obtained, not only in my own State, but also throughout the Nation, in regard to the construction of medical centers.

Mr. HILL. The Senator from Kansas not only supported the program, but he also supported it valiantly. He has been of great help.

Mr. CARLSON. The State of Kansas was the first State in the Union—and I happened to be Governor of the State at that time—to pass what was known as the first rural health program, under which the construction of rural medical centers was begun. Many projects have been built with the support of the Hill-Burton Act.

Tomorrow, at Liberal, Kans., a medical center will be dedicated, the result of cooperation between the local community and the Federal Government. For that reason, I am happy to support the program.

I have one question to ask the Senator: Has there been any change in the bill on the basis of allocation of funds to States?

Mr. HILL. Only on the basis of a modernization program. There has been a change in that program. We have taken into consideration the need to modernize. But so far as the other items of the bill

are concerned, they remain the same as they were at the beginning of the program.

Mr. CARLSON. This is for the construction of new hospitals and medical centers?

Mr. HILL. The Senator is correct—the construction of new hospitals, medical centers, rehabilitation centers, health centers, nursing homes, and facilities for the treatment of chronic diseases. Nursing homes were placed in a separate category before. This bill combines nursing homes and hospitals into one category. I believe that the Senator will realize why that was done.

Mr. CARLSON. This is one program that I enthusiastically support. Also it is one program which I believe has rendered outstanding service, not only to my State of Kansas but also to every other State in the Union.

Mr. HILL. I thank the distinguished Senator from Kansas for the very fine and devoted support—most effective support—which he has given this program.

Mr. STENNIS. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. STENNIS. I wish to add a word of appreciation as well as commendation to the Senator from Alabama for the many years of hard, constructive work which he has given to this program.

First, he is the author of the bill and has done a great deal of followup work in connection with it, not only in the legislative act, but also in the appropriation bills, in connection with which he has been very effective indeed.

Many Senators have contributed—and so has the House of Representatives—to this marvelous program. But I believe that we all agree that the Senator has been the chief architect, the generalissimo in many of the numerous skirmishes which the bill has brought forth.

Mr. HILL. I thoroughly agree with the Senator that many persons have contributed to the program. This program has had no better, more devoted or more effective friend than the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator. The program deserves any support which I can give it. Let me mention one thing about it. My State has been one of the chief benefactors, reaching down to the level of the people—the people at the county level and the small town level who could contribute their part to having a hospital at their doorstep. That is what distinguishes it from any other program.

I remember that when I was a young district attorney, there was a candidate for Governor in Mississippi, Paul Johnson, Sr. This was in 1935. He later became Governor during World War II. He was then advocating a State program along the lines which would allow the county and the town to contribute and the State to carry part of the burden. This program of the Senator from Alabama came along and has filled the gap.

As the Senator from Kansas has said, this is a perfect illustration of proper coordination between Federal, State and local governments. It has worked extremely well. It has been a fulfillment of the dream of the gentleman who was running for Governor in our State many years ago, and who later made a very fine Governor.

I thank the Senator from Alabama.

Mr. HILL. I believe that the Senator agrees with me that the State can be proud of the way it has administered the health needs of its people.

Mr. STENNIS. It has also been of great benefit to the medical profession, and also to the nursing profession, because it has given them an opportunity to express themselves.

Mr. HILL. As the Senator knows, for a doctor to carry on his work effectively, he must have a hospital, and he must have the equipment which is found there.

Mr. STENNIS. Only through this program will the counties and the small towns be able to continue to have the proper medical attention and equipment which the doctors and nurses need.

Mr. HILL. To become a doctor requires a long period of time these days, and great expense. He spends 4 years in college doing academic work. He spends another 4 years in medical college. He then spends anywhere from 4 to 6 or perhaps 8 years as an interne and in residence. After a man has had all that education, with the expenditure of all the money entailed in his preparation to be a doctor, he finally comes out of his residency. He does not wish to go into a local or any other community where he does not have the tools to do his best work. To acquire these tools, he has to have a hospital.

Mr. STENNIS. The Senator means that we should merely give him the tools of his trade?

Mr. HILL. That is correct.

Mr. STENNIS. Does the Senator from Vermont wish to ask a question?

Mr. AIKEN. No. I asked a question, and the Senator wanted to give testimony, by unanimous consent of the Senate.

Mr. STENNIS. I yield to the Senator from Vermont.

Mr. AIKEN. Having spent the first 14 years of my senatorial life working with the Senator from Alabama [Mr. HILL], and sometimes working for the Senator from Alabama when he was the chairman of the Committee on Labor and Public Welfare, I believe that the testimonial which has just been given him by the Senator from Mississippi is well merited.

No one in the country has contributed more to the improved health of the people of the United States than has the Senator from Alabama [Mr. HILL]. I could not say more if I took an hour an a half to say it.

Mr. HILL. Mr. President, I thank my friend, the distinguished Senator from Vermont, for his most generous words. He was a member of the Senate Committee on Labor and Public Welfare at the time the Highway Survey and Construction Act was drafted. He played a great part in drafting that law, and made many contributions to it. Ever since the law was enacted, he has aided the program. He has been a stanch supporter and great friend of the program, helping time and again to carry the program forward.

He certainly has my deep appreciation.

Mr. AIKEN. I thank the Senator.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. DOUGLAS. I join my colleagues in paying tribute to the Senator from Alabama [Mr. HILL]. He is one of the most quietly useful Senators who ever served in the Senate. This act is merely one of the many contributions which he has made. He is named after one of the great saints of medicine, Joseph Lister. The shades of Joseph Lister would be very proud of the part which his godson has played a century later in the work of improving public health and improving the quality of hospital care.

The hospitals were at one time charnel houses. Joseph Lister's discovery of antiseptic surgery transformed hospital and surgical practice and has saved millions of lives. His godson has done more than anyone else in the United States to raise the level of hospital service.

All too often, politicians are abused. Their demerits are stressed, but their constructive works are overlooked. The Senator from Alabama [Mr. HILL] and I have not always agreed on every issue. In my judgment, he is one of the most useful Members who has ever served in the Senate.

I add my few words of tribute so that those who read the RECORD may at least appreciate the high opinion which we all hold of him, and the deep affection which we all have for him.

Mr. HILL. Mr. President, I thank the distinguished Senator from Illinois for his most generous words. For several years he served on the Committee on Labor and Public Welfare.

It was a source of regret to all members of that committee when the Senator felt that his duties and responsibilities forced him to leave that committee and go to the Committee on Finance. All the time the Senator was on the Committee on Labor and Public Welfare, and in the time since he has left the committee, the hospital health facility program has had no better friend or stronger supporter than the Senator from Illinois.

I am deeply grateful to him.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. MORSE. I join with Senators AIKEN, CARLSON, DOUGLAS, and others in thanking the Senator from Alabama [Mr. HILL] for his years of leadership in connection with medical legislation in the Senate. We all owe him thanks.

I have often referred to him in speeches throughout the country as "Mr. Health in the Senate." I appreciate very much what he has done for hospitals in my State and in other States across the country.

There is one problem that I shall fleetingly mention today. But I think it ought to be mentioned while the Senate is considering the bill on hospital construction. I am having some material prepared to present to the Senate and to the Senator. I am a little concerned about the relationship between Federal hospitals and city and State hospitals, in the matter of construction under the Hill-Burton Act. There is some evi-

dence that there has not been a sufficient Federal check in some places on the expenditure of those funds to make certain that the expenditure is wise.

I think of the city of Hartsville, S.C., in which I understand there is considerable controversy. It is proposed to spend Hill-Burton funds on a hospital that is so outdated and outworn that even a new wing would not make it a good hospital. They ought to go outside the city limits where there is adequate parking space and better facilities for the building of a new hospital. They could find some other use for the old hospital, such as an old folks' home, or some other such use.

The Senator is not aware of these problems. I have not even had time to take them up with the Senator from South Carolina as yet. A leading doctor of Hartsville, S.C., laid the case before me recently. If the facts hold up—and I believe they will—I seriously question whether this is a wise expenditure of Hill-Burton funds. The funds ought to be spent in the building of a new hospital outside the city, away from the area where the old hospital is located. Merely taking a look at it would convince us that we should not spend more Federal money there.

There are bound to be difficulties in any program as expensive as this. As I stated a few moments ago, when I presented the education bill, we know that there are abuses connected with the program. A mistake here and there does not really conflict in the great Hill-Burton program, of which the Senator from Alabama [Mr. HILL] is one of the coauthors.

Mr. HILL. Mr. President, I express my deep appreciation to the senior Senator from Oregon for his most generous words. The Senator has been one of the best friends of the program. He evidenced an interest and friendship with the program this morning when he called attention to a situation that had never come to my attention. It is a situation that undoubedly should be checked and looked into. The Senator has evidenced great interest in the program.

Mr. JOHNSTON. Mr. President, I appreciate the remarks made by the senior Senator from Oregon [Mr. MORSE]. I know about the situation in Hartsville which the Senator has mentioned.

We should be very careful in spending additional money on a hospital that is located as this hospital is. It would be much more beneficial if facilities could be built outside the city limits. There is plenty of space available for such purpose. It would be much better to spend the money in this manner in the long run.

I have been identified with the Hill-Burton Act since its beginning, when I first came to the Senate 20 years ago. I was on the committee, along with the Senator from Alabama [Mr. HILL] for several years.

I commend him also for the work he has been doing in the years since then in regard to health and hospitals.

I commend the Senator for the great work that he has done. When I think of hospitals, I always think of the Hill-Burton Act, and I think of the Senator from Alabama, who introduced the bill and was instrumental in helping to secure its passage through the Congress. It has done a great deal of good for the sick people in our Nation. We still have plenty of rom for improvement in that field. I want the Senator from Alabama to know that he has my vote, aid, and assistance at any time he seeks to build greater facilities for hospitals. I again commend him for the work that he has done.

Mr. HILL. Mr. President, I thank the distinguished Senator from South Carolina for his kind and generous words. He spoke of his vote, his aid, and assistance. I can wholeheartedly testify to the fact that the Senator has always been present with his vote, his aid, and his assistance in pushing forward these programs, not only for hospitals, health centers, and rehabilitation centers, but also for nursing homes, diagnostic centers, and other programs for the public health and the health care of our people.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. SIMPSON. I join my colleagues and associate myself in the remarks already made with respect to the work of the distinguished Senator from Alabama in the field of health, both physical and mental health. I point out to Senators that in the first session of the 88th Congress the distinguished Senator from Alabama was instrumental in chaperoning through this body two far-reaching and significant bills on mental health, the results of which are being felt throughout the Nation today. The Senator from Alabama is the medical conscience of the Senate. In fact, he is the custodian of the health of the Nation.

Mr. HILL. I thank the Senator from Wyoming. He has been most generous. He has spoken about the bill for mental health and the bill for mental retardation. Those two bills had no better or more effective friend or stronger supporter in this body than the distinguished Senator from Wyoming. I deeply appreciate his words.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. CLARK. Mr. President, from north, south, east, and west, from Republicans and Democrats alike, has come this morning high, just, and well-deserved praise for the senior Senator from Alabama. I should like to join in his praise. I think the comments of our colleagues are all the more extraordinary because the Senator from Alabama is still in robust good health, and it is an extraordinary thing to have such praise come to one who, we hope, will live long and flourish and continue his great work in this body. If one were given to fancy, one might say that the praise had come all the way from the halls of Montezuma to the shores of Tripoli, and that it is justly deserved.

The bill is a good one, and I shall vote for it. It is not as good a bill as I should like to see, despite the earnest efforts of the Senator from Alabama. I offer an amendment which I send to the desk. I ask unanimous consent that reading of the amendment be waived and that it may be printed in the RECORD. I believe I can state its contents briefly.

The PRESIDING OFFICER. Without objection, reading of the amendment is waived and the amendment will be printed in the RECORD.

The amendment is as follows:

On the first page of the bill, strike out lines 3 and 4 and insert in lieu thereof the following:

"TITLE I—HOSPITAL AND MEDICAL FACILITIES

"SEC. 101. This title may be cited as the 'Hospital and Medical Facilities Amendments of 1964'."

On the first page of the bill, line 5, strike out "SEC. 2" and insert "SEC. 102".

On page 2, line 15, strike out "SEC. 3" and insert "SEC. 103".

On page 2, line 24, strike out "and modernization".

On page 3, line 13, strike out "AND".

On page 3, line 14, strike out "MODERNIZATION".

On page 4, beginning with the word "and" on line 8, strike out all through "(a)," on line 10.

On page 4, line 11, strike out "$160,000,000" and insert "$140,000,000".

On page 4, line 12, strike out "$170,000,000" and insert "$135,000,000".

On page 4, line 13, strike out "$180,000,000" and insert "$130,000,000".

On page 4, line 16, strike out "(1)".

On page 4, lines 20 and 21, strike out "the new hospital portion of".

On page 5, beginning with the word "As" on line 2, strike out all through line 22.

On page 6, beginning with the word "or" on line 15, strike out all through line 17.

On page 9, line 3, strike out all after "State" and insert in lieu thereof the following: "that a specified portion of any allotment of such State under subsection (a), other than an allotment for grants for the construction of public or other nonprofit rehabilitation facilities, be added to another allotment of such State under such subsection, other than an allotment for grants for the construction of public or other nonprofit hospitals and public health centers,".

On page 9, beginning with line 4, strike out all through line 15.

On page 10, line 1, strike out "paragraph (1) of".

Beginning on page 10, line 10, strike out all through line 15, page 11.

On page 11, line 16, strike out "(3)" and insert in lieu thereof "(2)".

On page 11, line 17, strike out "or (2)".

On page 11, line 23, strike out ", or for modernization of facilities,".

On page 12, lines 2 and 3, strike out ", or for modernization of a facility in such other State, as the case may be".

On page 12, lines 5 and 6, strike out "or modernization".

On page 13, line 8, insert "and" after the semicolon.

On page 13, strike out lines 9 through 11.

On page 13, line 12, strike out "(4)" and insert "(3)".

On page 13, line 23, insert "and" after the semicolon.

Beginning on page 13, line 24, strike out all through line 2, page 14.

On page 14, line 3, strike out "(e)" and insert "(d)".

On page 14, line 13, strike out "or modernized".

On page 14, line 16, strike out "or modernized".

On page 16, line 19, insert "and" after the semicolon.

On page 16, line 24, strike out "and".

Beginning on page 16, line 25, strike out all through line 3, page 17.

On page 17, line 4, strike out "and modernization".

On page 17, lines 7 and 8, strike out "or modernization".

On page 17, line 17, strike out "or modernization".

On page 18, line 14, strike out "or modernization".

On page 19, lines 18 and 19, strike out "OR MODERNIZATION".

On page 20, line 18, strike out "or modernization".

On page 21, line 18, strike out "(e)" and insert "d".

On page 22, line 1, strike out "or modernization".

On page 22, between lines 15 and 16, insert the following new subsection:

"(f) No application shall be approved for the same project for which a payment has been made under title VIII, or for which an application for such a payment is pending."

On page 22, line 16, strike out "OR MODERNIZATION".

On page 28, line 8, strike out "or modernization".

On page 28, line 11, strike out "OR MODERNIZATION".

On page 28, line 16, strike out "or modernization".

On page 29, line 6, strike out "or modernization".

On page 29, lines 10 and 11, strike out "or modernization".

On page 40, lines 18 and 19, strike out "or modernization".

On page 40, line 20, strike out "and modernization" and insert in lieu thereof "under a project.".

Beginning on page 40, line 21, strike out all through line 2, page 41.

On page 41, strike out lines 3 through 8.

On page 41, line 9, strike out "(l)" and insert in lieu thereof "(k)".

On page 42, line 18, strike out the semicolon and insert in lieu thereof a period.

Beginning on page 42, line 19, strike out all through line 4, page 43.

At the end of the bill, add the following:

"TITLE II—HOSPITAL MODERNIZATION

"SEC. 201. This title may be cited as the "Hospital Modernization Act."

"Findings

"SEC. 202. (a) The grants for hospital construction authorized by title VI of the Public Health Service Act have resulted, through the assistance and stimulation given to the States and localities, in the construction of many greatly needed hospitals throughout the Nation. In accordance with the purpose of that title, federally aided hospital construction has in the main been construction of new beds in areas suffering from a total lack or an acute shortage of hospital facilities. The geographic distribution of hospital beds is now far better than it was when the Hospital Survey and Construction Act was enacted. Because of the rapid growth and changing distribution patterns of the population, however, there continues to be widespread need for construction of new hospital beds. In recent years, moreover, a further important need has developed in the growing obsolescence of many of the hospitals that were already in existence when the program of new construction was originally projected. Continued progress toward the declared congressional objective, the provision of adequate hospital facilities for the people of the Nation, now requires not only continuing and rapid addition to the number of hospital beds, but also the modernization, or where necessary the replacement, of many existing structures, in order (1) to improve patient care by increasing the adequacy of services, safety, and efficiency; (2) to keep the Nation's hospital plant functional in relation to evolving medical practice; and (3) to adapt the facilities to new hospital and related medical uses.

"(b) There is throughout the country a grave shortage of nursing homes of high quality, a shortage which becomes ever more serious with the growth in the number of aged persons. Through grants for the construction of public and other nonprofit nursing homes, Congress has taken steps to increase the number of nursing home beds. But many of the older institutions are in serious need of modernization or replacement.

"(c) The public and nonprofit institutions which are in need of modernization or replacement are generally unable to raise locally the substantial sums required otherwise than by borrowing, and though able to give adequate assurance of repayment, many are unwilling to borrow the necessary funds at commercial interest rates because of the substantial additional cost which would be imposed on their patients.

"(d) With respect to new construction of public and other nonprofit health facilities, it is the policy of the Congress to provide the needed assistance in the form of capital grants. With respect to modernization or replacement of obsolete facilities, on the other hand, the established sources of income of the institutions make practicable and desirable a Federal program of grant and loan payments. Under such a program any payment may consist of a grant amounting to not more than half the cost of such modernization or replacement project, and/or a loan without a grant or to supplement a grant as long as the Federal share does not exceed 80 per centum of the cost of the project. The establishment of such a combination grant and loan program, as a coroliary to the program of grants for new construction, is now essential to the orderly and balanced development of the Nation's health facilities.

"Amendment adding title VII to the Public Health Service Act

"SEC. 203. The Public Health Service Act (42 U.S.C. ch. 6A) is hereby amended by adding, immediately after title VII thereof, the following new title:

"'TITLE VIII—GRANTS AND LOANS FOR MODERNIZATION OR REPLACEMENT OF HOSPITALS AND NURSING HOMES

"'Declaration of purpose

"SEC. 801. The purpose of this title is to assist, through payments which consist of grants and/or loans in the modernization or replacement of public and other nonprofit hospitals and nursing homes which are necessary to the provision of adequate hospital and nursing home services to the people, but which are structurally or functionally obsolete.

"'Definitions

"'SEC. 802. As used in this title—

"'(a) The term "hospital" includes general, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, outpatient departments, nurses' homes and training facilities, and central service facilities operated in connection with hospitals but does not include any hospital furnishing primarily domiciliary care;

"'(b) The term "nursing home" means a facility for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing care and related medical services—

"'(1) which is operated in connection with a hospital; or

"'(2) in which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State;

"'(c) The term "public" means owned and operated by a political subdivision of a State or by an instrumentality of such a political subdivision, or by a State university or medical school, or by a State (in the case of general hospitals only);

"'(d) The term "nonprofit" means owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"'(e) The term "modernization" means major repair (to the extent permitted in regulations), renovation, or remodeling of an existing structure, and includes equipment incident thereto, but does not include any expansion of the structure which increases bed capacity by more than 5 per centum;

"'(f) The term "replacement" means construction (as defined in section 625(l)) of a facility designed primarily as determined pursuant to regulations prescribed under section 806(4), to serve the same needs as a facility or facilities which have been or will be closed, and does not include any construction to provide bed capacity of more than 105 per centum of the capacity of such closed facility or facilities;

"'(g) The term "State" includes Puerto Rico, Guam, the Virgin Islands, and the District of Columbia;

"'(h) The term "State agency" means the agency designated in accordance with section 604(a)(1);

"'(i) The terms "cost of construction" and "title" shall have the meanings, respectively, prescribed in section 625 (j) and (k); and

"'(j) The term "Federal Hospital Council" means the Council appointed under section 621(a).

"'Authorization of payments

"'SEC. 803. The Surgeon General is authorized to make grant and/or loan payments for the modernization or replacement of public and other nonprofit hospitals or nursing homes which he finds are necessary for the provision of adequate hospital or nursing home services to the people of the respective States, but which are structurally or functionally obsolete (as determined in accordance with the regulations). As requested in the application and as determined by the Surgeon General to be necessary to carry out the purpose of this Act, any such payment may include or consist exclusively of a grant from funds appropriated pursuant to section 804 in an amount not to exceed 50 per centum of the cost of construction for such modernization or replacement, and may include or consist exclusively of a loan from funds obtained under section 805, amounting to part of such cost or part of the remaining portion of such cost, but in no event shall a payment consisting exclusively of a loan, or including a grant and a loan, exceed in amount 80 per centum of such cost.

"'Authorization of grant funds

"'SEC. 804. There is authorized to be appropriated for making grants under the provisions of this title the sum of $100,000,000 for the fiscal year beginning July 1, 1964, and the same sum for each of the three fiscal years thereafter.

"'Authorization of loan funds

"'SEC. 805. (a) In order to obtain funds for loans under this title, the Surgeon General may, on or after July 1, 1964, from time to time issue notes and obligations for purchase by the Secretary of the Treasury. The maximum aggregate principal amount of such notes and obligations outstanding at any one time shall not exceed the sum of $100,000,000.

"'(b) Notes or other obligations issued by the Surgeon General under this section shall be in such forms and denominations, have such maturities, and be subject to such terms and conditions as may be prescribed by the Surgeon General, with the approval of the Secretary of the Treasury, and shall bear

interest at a rate determined by the Secretary of the Treasury which shall be not less than the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the issuance by the Surgeon General and adjusted to the nearest one-eighth of 1 per centum. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations of the Surgeon General issued under this section and for such purpose is authorized to use as a public-debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and other obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public-debt transactions of the United States.

"'(c) There are hereby authorized to be appropriated to the Surgeon General such sums as may be necessary, together with loan principal and interest payments made under this title, for payments on notes or other obligations issued by the Surgeon General under this section. Such principal and interest payments, if not necessary for such payments on notes or other obligations, shall be available for loans under this title.

"'*General regulations*

"'SEC. 806. The Surgeon General, after consultation with the Federal Hospital Council and with the approval of the Secretary, shall by regulation prescribe—

"'(1) the method of allotting among the States grant and loan funds made available under this title for each fiscal year, on the basis of the population of the respective States, as determined on the basis of the latest figures certified by the Department of Commerce, and other factors which the Surgeon General finds pertinent in such manner as to reflect so far as possible the relative need of the States for such funds for modernization and replacement of public and other nonprofit hospitals and nursing homes;

"'(2) subject to the provisions of this title, the terms and conditions applicable to any funds loaned hereunder;

"'(3) the general manner in which the State agency shall determine the priority of projects based on the relative degree of obsolescence of the various hospitals and nursing homes within the State which are in need of modernization or replacement, and the relative parts which such hospitals and nursing homes play in the provision of services to the people of the State and such other factors as the Surgeon General may by regulation prescribe;

"'(4) criteria for determining whether a facility proposed to be constructed is designed primarily to serve the same needs as a facility or facilities which have been or will be closed, taking into account the population to be served and the general character of the services to be provided;

"'(5) supplementation for application to replacement projects, and revision for application to modernization projects, of the regulations relating to standards for construction and equipment issued under section 603(b), and of the regulations supplementary thereto issued under section 653(a) as in effect prior to the enactment of this Act with respect to nursing homes; and

"'(6) supplementation and modification, for application to projects under this title, of (A) the regulations relating to nondiscrimination and to services to persons unable to pay therefor issued under section 603(d), (B) the regulations relating to methods of administration issued under part A of title VI, and (C) the regulations supplementary thereto issued under section 653(a) as in effect prior to the enactment of this Act with respect to nursing homes.

"'*State plans*

"'SEC. 807. (a) Any State desiring to take advantage of this title may submit, as a revision of or supplement to its hospital construction plan approved under section 604 (or such plan as extended to the construction of nursing homes under section 653 as in effect prior to the enactment of this Act), a plan for the modernization and replacement of hospitals, or of hospitals and nursing homes, which meet the conditions stated in section 801. Such plan must—

"'(1) meet the requirements of section 604(a) other than paragraphs (5), (6), and (12) thereof (relating to the State hospital construction program, priorities of construction, and periodic review and modification of the construction program); and if the plan includes nursing homes, meet the requirements of section 653(a)(2) (relating to the conformity of the State nursing home construction program with regulations of the Surgeon General) as in effect prior to the enactment of this Act;

"'(2) set forth a program of modernization and replacement of hospitals, or of hospitals and nursing homes, which (A) is based on a statewide survey of need and takes into consideration any areawide program developed in an area within (or partly within) the State and approved by the State agency, and (B) meets the requirements as to lack of discrimination on account of race, creed, or color, and for furnishing needed hospital services to persons unable to pay therefor, prescribed by regulations issued under section 603(d) as supplemented and modified for the purposes of this title as provided in section 806(6) above;

"'(3) set forth, with respect to hospitals or with respect to hospitals and nursing homes, the relative need determined in accordance with regulations issued under section 806(3), for the several projects included in such program, and provided for carrying them out, insofar as the financial resources available therefor make possible, in the order of such relative need; and

"'(4) provide that the State agency will from time to time, and in any event whenever an areawide program referred to in clause (2) has been developed and approved by the State agency, review its program and submit to the Surgeon General any modifications thereof which it considers necessary.

"'(b) The Surgeon General shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

"'*Allotments to States of grant and loan funds*

"'SEC. 808. Each State shall be entitled for each fiscal year for which funds are authorized under this title to an allotment, determined in accordance with regulations issued under section 806(1), from the amounts made available for that fiscal year pursuant to section 804 and section 805. The Surgeon General shall notify each State agency, as promptly as possible after funds for a fiscal year are made available under each such section, of the amount of the State's allotment of the funds provided pursuant to such section, but no payment shall be made out of the allotment of a State until a State plan under section 807(a) has been submitted by such State and approved by the Surgeon General. Sums allotted to a State under this title for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the same purposes for the next fiscal year (and for such year only), in addition to the sums allotted for such State for such next fiscal year.

"'*Applications for and approval of payments*

"'SEC. 809. (a) An application for a payment under this title shall be submitted, by a public or other nonprofit agency, to the Surgeon General through the State agency. If two or more public or other nonprofit agencies join in the project, the application may be filed by one or more of such agencies.

"'(b) The application shall set forth (1) a description of the project, including a description of the site of the project; (2) plans and specifications for the project which are in accord with regulations as revised and supplemented under section 806(5); (3) reasonable assurance that title to the site of the project, and to any structure thereon, is or will be vested in one or more of the agencies filing the application, or in a public or other nonprofit agency which is to operate the hospital or nursing home; (4) the amount, if any, requested as a loan under the provisions of this title; (5) reasonable assurance that any financial support needed, in addition to that furnished under the provisions of this title, will be available for carrying out the project, and that adequate financial support will be available for maintenance and operation when completed, and for payment of interest and repayment of principal of any funds loaned, in accordance with the terms of the loan; (6) reasonable assurance that the operation will be in compliance with applicable State standards for operation and maintenance, and with regulations as supplemented and modified under section 806(6) relating to nondiscrimination and to services to persons unable to pay; (7) the estimated cost of the project; (8) assurance that no grant has been made for the same project under title VI, and that no application for such grant is pending; (9) if the project is one for replacement, satisfactory evidence, in accordance with regulations issued under section 806(4), that the facility to be constructed is designed primarily to serve the same needs as a facility or facilities which have been or will be closed; and (10) adequate assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction assisted by such payment will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5), and will receive compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in the workweek, as the case may be. The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (10) of this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"'(c) Each such application shall be accompanied by (1) a recommendation by the State agency of approval of the project, based on findings that the project meets the requirements of subsection (b) and that the estimated cost of construction is reasonable; and (2) a certification by the State agency that the application is in accordance with the State plan approved under section 807 (b), that funds for the project are available from the State's allotments under this title, and that the project is entitled to priority over other projects within the State in accordance with regulations issued under section 806(3).

"'(d) The Surgeon General shall approve such application if sufficient funds to pay the Federal share of the cost of the project

are available from the allotment to the State, and if the Surgeon General (A) finds that the application contains reasonable assurance as to title, financial support, and payment of prevailing rates of wages; (B) finds that the application is in conformity with the State plan approved under section 807 of this title and contains an assurance that in the operation of the hospital or nursing home there will be compliance with the applicable requirements of the State plan and of the regulations prescribed under section 806(6) of this title; and (C) concurs in the findings and certification by the State agency under subsection (c). No application shall be disapproved because of disagreement with the findings or certification of the State agency until the Surgeon General has afforded the State agency an opportunity for a hearing.

"'(e) Amendment of any approved application shall be subject to approval in the same manner as an original application.

"'Payments

"'SEC. 810. (a) Whenever an application has been approved under section 809(d), the Surgeon General is authorized to make a payment to the applicant in accordance with the provisions of this title. Any loan or portion of such payment which is a loan shall (1) bear interest at a rate not less than the rate arrived at by adding one-quarter of 1 per centum per annum to the rate which the Secretary of the Treasury determines to be equal to the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date the application for the loan is approved and by adjusting the result so obtained to the nearest one-eighth of 1 per centum, and (2) subject to the provisions of regulations issued under section 806(2), shall be secured in such manner (if any) and repaid in such installments and within such period, not exceeding forty years, as the Surgeon General may determine. Subject to the provisions of this subsection and of such regulations, the amount or terms of a loan may be modified upon approval of an amendment of an application.

"'(b) A grant or portion of a payment which is a grant under this title shall be made to the applicant in installments, each of which shall be paid upon certification by the State agency, based upon inspection by it, that work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that an installment is due. A loan or portion of a payment which is a loan under this title shall be made to the applicant in such installments or in lump sum and in advance or otherwise as the Surgeon General may prescribe by regulations. If the Surgeon General, after investigation or otherwise, has ground to believe that a default has occurred requiring action pursuant to section 811(a) he may, upon giving notice of hearing pursuant to such subsection, withhold further advances pending action based on such hearing.

"'(c) If, at any time before any loan or loan portion of a payment for a project has been repaid in full, any of the events specified in clause (A) or clause (B) of section 625(e) shall occur with respect to such project, the unpaid balance of the loan shall become immediately due and payable by the applicant, and any transferee of the facility shall be liable to the United States for such repayment to the same extent as the borrower. The provisions of section 609, relating to recovery of expenditures under certain conditions, shall apply in the case of any grant payment made under this title.

"'Withholding of funds

"'SEC. 811. (a) Whenever the Surgeon General, after reasonable notice and opportunity for hearing to the State agency designated in accordance with section 604, finds (1) that the State agency is not complying substantially with the provisions required by section 807(a) to be contained in its plan, or (2) that any funds have been diverted from the purposes for which they were advanced, or (3) that any assurance given in an application filed under section 809 is not being or cannot be carried out, or (4) that there is a substantial failure to carry out plans and specifications approved by the Surgeon General under section 809, or (5) that adequate State funds are not being provided annually for the direct administration of the State plan, the Surgeon General may withhold further advances from all projects in the State, or from any project or projects affected by the default as he may determine to be appropriate under the circumstances, until the default has been corrected; and if it is not corrected he shall reduce, by the proper amount, the Federal share of the cost of the project affected by the withholding.

"'(b) The provisions of section 608, relating to judicial review of action by the Surgeon General under section 607, shall be applicable to action by him under subsection (a) of this section.

"'Administration; general provisions

"'SEC. 812. (a) In administering this title the Surgeon General shall consult with the Federal Hospital Council. He is authorized to make such administrative regulations and perform such other functions as he finds necessary to carry out the provisions of this title. Any such regulations shall be subject to the approval of the Secretary.

"'(b) In the performance of, and with respect to, the functions, powers, and duties vested in him by this title, the Surgeon General notwithstanding the provisions of any other law, shall maintain an integral set of accounts which shall be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial transactions as provided by the Government Corporation Control Act, as amended, and no other audit shall be required: *Provided*, That such financial transactions of the Surgeon General as the making of loans and vouchers approved by the Surgeon General in connection with such financial transactions shall be final and conclusive upon all officers of the Government.

"'(c) In the performance of, and with respect to, the functions, powers, and duties vested in him by this title, the Surgeon General notwithstanding the provisions of any other law, may—

"'(1) sue and be sued;

"'(2) foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a payment pursuant to this title, and in the event of any such acquisition, the Surgeon General may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease and otherwise deal with, such property: *Provided*, That any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property;

"'(3) enter into agreements to pay annual sums in lieu of taxes to any State or local taxing authority with respect to any real property so acquired or owned;

"'(4) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix;

"'(5) obtain insurance against loss in connection with property and other assets held;

"'(6) subject to the specific limitations in this title, consent to the modification, with respect to the time of payment of any installment of principal or interest, security, or any other term of any loan under this title, of any contract or agreement to which he is a party or which has been transferred to him pursuant to this title; and

"'(7) include in any contract or instrument made pursuant to this title such other covenants, conditions, or provisions as he may deem necessary to assure that the purposes of this title will be achieved.

"'(d) Section 3709 of the Revised Statutes shall not apply to any contract for services or supplies on account of any property acquired pursuant to this title if the amount of such contract does not exceed $1,000.

"'(e) In administering this title, the Surgeon General, with the approval of the Secretary, is authorized to utilize the services and facilities of any executive department or agency in accordance with an agreement with the head thereof. Payment for such services and facilities shall be made in advance or by way of reimbursement, as may be agreed upon between the Secretary and the head of the department or agency furnishing them.

"'(f) Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any hospital or nursing home with respect to which any funds have been or may be expended under this title.

"'Assistance in area planning

"'SEC. 813. (a) In order to carry out more effectively his duties under the Public Health Service Act, the Surgeon General may make grants-in-aid on such terms and conditions and in such installments, and in advance or otherwise as he may determine, to States, political subdivisions, universities, hospitals, and other public and private nonprofit institutions or organizations, to assist indeveloping and publicizing comprehensive regional, metropolitan, or local area plans for coordination of hospitals, nursing homes, and other health facilities, provided that such grants may be made only for the development of plans specifically certified to be needed by a State agency or agencies.

"'(b) There is authorized to be appropriated for the purpose of this section the sum of $5,000,000 for the fiscal year beginning July 1, 1963, and the same sum for each of the three fiscal years thereafter.'

"Technical amendments

"SEC. 204. (a) Section 1 of the Public Health Service Act is amended to read:

"'SEC. 1. Titles I to VIII, inclusive, of this Act may be cited as the "Public Health Service Act."'

"(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title VIII (as in effect prior to the enactment of this Act) as title IX, and by renumbering sections 801 through 814 (as in effect prior to the enactment of this Act), and references thereto, as sections 901 through 914."

Mr. CLARK. I feel compelled to register my opinion, however, that this bill does not meet the increasingly critical need for modernization in the Nation's older hospitals. And I hope that next year, the administration will recommend to Congress legislation which will do for the modernization of older hospitals what the eminently successful Hill-Burton Act has done for the construction of new hospitals.

While the number of new hospital beds has been steadily increasing thanks to the Hill-Burton program, obsolescence in many of our older hospital facilities has become chronic. This has occurred largely in our urban areas where most of the great hospital centers are 35 to 65 years old, or even older, as in my own home city of Philadelphia, which I believe my friend from Alabama will agree is a very fine medical center, with fine medical schools and some very splendid hospitals. There are, of course, a good many rural areas where this has been a problem, too.

As a result of our failure to keep pace with obsolescence, the need to modernize our hospitals now bears a staggering price tag and an impelling urgency. A survey by the Public Health Service in 1960 estimated modernization needs at $3.6 billion. In the 4 years since then, there is every reason to believe that the situation has further deteriorated.

With this growing problem in mind, I last year introduced legislation on behalf of Senators Engle, Hart, Long of Missouri, Pell, Randolph, and Williams, of New Jersey, which is a corollary to the Hill-Burton program and provides for a Federal grant and loan program that would help the hospitals, nonprofit nursing homes, and other public and nonprofit institutions of the country modernize in order to keep their plants functional in relation to evolving medical practices and improved patient care by increasing the adequacy of services, safety, and efficiency.

Under my bill, a qualifying institution may receive a Federal grant of up to 50 percent of the cost of a modernization or replacement project and/or a loan at going interest rates on Federal interest-bearing obligations so long as the total Federal contribution does not total more than 80 percent of the cost of the project.

The bill allows a total of $400 million in grants and a ceiling of $100 million in loans over the 4 years of the bill's life.

The administration originally proposed a somewhat smaller program in its recommended amendments to the Hill-Burton Act. The administration proposal would have, over a 5-year period, provided $340 million in grants for modernization. This figure I view as minimal. Most unfortunately the House Interstate and Foreign Commerce Committee in the pending bill which we are about to pass, has reduced this program drastically in H.R. 10041, which the Senate Committee on Labor and Public Welfare has reported to the Senate. The total appropriations earmarked for modernization are but $160 million for 5 years. There are no modernization appropriations authorized at all during the first year of the program. And, in addition, nearly half of the funds earmarked for modernization can, at State option—and let us recall that despite the reapportionment decision of the Supreme Court of the United States, the State legislatures presently represent an overbalanced rural interest which delights in taking it out on the great metropolitan areas—be diverted into new construction. As a result, the amounts that the bill in its present form guarantees for use in bringing our medical facilities up to date are as follows: fiscal 1965, nothing; 1966, $10 million; 1967, $20 million; 1968 and 1969, $30 million. These are but token amounts, and I believe most ill advised in relation to the demonstrated need. The Department of Health, Education, and Welfare said, in its letter supporting the original administration proposal:

> The new modernization program represents the highest priority item included in this draft bill.

The response of Congress to the health needs of great masses of our people must be more than token on this score.

It is true that the bill as written is, in theory, flexible, in that funds allocated for construction can, at the option of the States, be diverted to modernization. We cannot, however, have any assurance that significant funds will be so diverted, for the reasons I stated a moment ago about the rural control of State legislatures in most parts of the country.

It should be remembered that the old law permitted the use of construction funds for modernization; despite this, we have built up this $3 to $4 billion backlog in modernization needs.

Unless the modernization needs of our older hospitals are faced in the very near future, we will soon face a problem of monumental proportions. We need more than a token program, and that is all we are getting by the bill.

For this reason, I fervently hope the administration will send up a bill next year adequate to the task, and that my good friend, the Senator from Alabama, the chairman of the Subcommittee on Health, and the author of the Hill-Burton Act, and the chairman of the full Committee on Labor and Public Welfare, will turn his broad mind to the needs of greater modernization in the great cities of our country.

Mr. President, I ask unanimous consent that there may be printed at this point in the RECORD a short statement dealing in a little greater detail with what the proposed amendment does.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CLARK

The amendment that I am proposing would do two things:

(a) It would strike out the provisions for modernization where they now occur in H.R. 10041, that is, in the revision of title VI of the Public Health Service Act.

(b) It would add a new title, title VIII, focusing exclusively on modernization, with greatly increased funds guaranteed for this usage and with State allocation based on the need for modernization. This proposed new title consists of the substance of S. 894, introduced earlier in this session on behalf of Senators Engle, Hart, Long of Missouri, Pell, Randolph, Williams of New Jersey, and myself.

The essence of this amendment is to add a combination grant and loan program earmarked specifically for the modernization of hospitals and nursing homes. The grant program calls for annual authorizations of $100 million, totaling $400 million for the 4-year life of the program. The loan program calls for a total loan fund of $100 million. Both programs would go into effect this fiscal year.

A qualifying institution may receive a grant of up to 50 percent of the cost of a project and/or a loan, so long as the total Federal contribution does not exceed 80 percent of the cost of the project.

The allotment to the respective States would be on the basis of population and the need for modernization; per capita income would not be a factor, as it is in the present bill.

Finally, the title VI revisions of H.R. 10041 would be changed by a reduction in the figures authorized for combined construction and modernization, by subtracting out the present modernization allocation. The table following summarizes the changes in title VI.

Fiscal year	Combined construction and modernization funds in H.R. 10041	Proposed funds for construction only, in H.R. 10041 per Clark amendment
1965	$150,000,000	$150,000,000
1966	160,000,000	140,000,000
1967	170,000,000	135,000,000
1968	180,000,000	130,000,000
1969	180,000,000	125,000,000
Total	840,000,000	680,000,000

Mr. CLARK. Mr. President, I ask unanimous consent that a statement which I have had prepared showing a number of examples of the needs of some of our great urban centers for modernization of public hospitals, which came from a survey by mayors and city health officers just conducted by the U.S. Conference of Mayors and the American Municipal Association, may be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The following are examples of the needs of some of our great urban centers for the modernization of their public hospitals. The data comes from a survey of mayors and city health officers just conducted by the U.S. Conference of Mayors and the American Municipal Association. These represent needs which the officials of these cities feel must be met within the next 5, or at most, 10 years.

Philadelphia: Within the city itself, 5,930 beds need modernization at a cost for beds and other facilities of $189 million. Philadelphia General Hospital alone will require $30 to $35 million to bring up to standard 1,000 beds.

In the surrounding counties, an additional $60 million should be invested, to renovate 1,835 beds.

San Francisco: The chief administrator of San Francisco reports that 70 to 80 percent of the beds in the San Francisco area are obsolete and should be replaced. For the modernization of the publicly supported hospitals alone, $3,850,000 will be needed, in addition to the complete replacement of the major public hospital facilities, at a cost of $23,300,000.

Detroit: Detroit and Wayne County officials report that during the next 5 years they could wisely spend $15 million on modernization. Of 62 buildings of government-operated hospital facilities, 46 are in need of modernization.

Atlanta: Atlanta needs funds estimated at $18 million for the modernization of 900 beds.

Toledo: The mayor of Toledo estimates a need of $16 to $18 million now for modernization, plus an additional $20 to $24 million for expansion and modernization over the next 10 years.

Savannah: The mayor estimates that over 60 percent of the beds in metropolitan Savannah are inadequate.

Portland, Maine: This city will need at least $1 million for modernization during

the next 5 years for its municipal facility alone.

Portland, Oreg.: A minimum of $350,000 is needed.

Springfield, Ill.: Two of its hospitals alone will require $6 million over the next few years.

New York City: For municipal hospitals alone, more than $125 million is needed, involving some 5,500 beds.

Denver: During the next 5 years, Denver General Hospital would hope to expend $9 million for modernization.

Cincinnati: An estimated $3 million will be needed for modernization of the Cincinnati General Hospital alone.

Dade County, Fla. (Miami): For public hospital modernization alone, $8½ million will be needed.

Many other cities, from every section of this country, have expressed a need for massive amounts of Federal assistance in modernizing their hospitals. The public officials of these many, diverse municipalities have urged the approval of a Federal modernization program of at least $100 million a year.

Mr. CLARK. Mr. President, it occurs to me to mention again, in conclusion, that we are seeing again one of the sad lessons of the long, drawn-out filibuster on the civil rights bill. Here is a problem involving modernization which, in my opinion, should have been considered in depth in committee.

The amendment which I have proposed should have been fully debated on the floor. I have the perhaps unduly optimistic hope that if that had been done, with the help of the Senator from New Jersey [Mr. WILLIAMS], whom I see in the Chamber, the Senator from Illinois [Mr. DOUGLAS], the Senator from Oregon [Mr. MORSE], and a number of Senators on the other side of the aisle, we would have been able to amend the bill and provide adequate funds for hospital modernization. We do not dare do it now because we have a shotgun at our heads from the House of Representatives, and we face the fact that the Congress will shortly adjourn. We must take the House bill or else. If we do not take it, or if the Senate adds an amendment providing for modernization, we will find ourselves not able to go to conference because of the House Rules Committee. If we get to conference, there will be a stalemate, and no bill will be enacted.

This is a lesson we have been learning. Perhaps we have not been learning it. This is a lesson for all to read ever since the civil rights bill was voted upon. We legislate in haste and repent in leisure.

The record of Congress, good as it is turning out to be, is far more inadequate than it could have been and should have been if we had had the time to consider these measures. Since consideration of the civil rights bill, to refer to the Senate as the greatest deliberative body in the world is only to evoke laughter, in my opinion, because we rush bills through committee, without adequate committee and floor consideration. The result is that, while the legislative record is better than none, we are not doing the job we were called upon to do. In other words, we are hamstrung by our own rules of procedure; we are hamstrung by the filibuster, we are hamstrung by the House.

In conclusion, let me say that it is as difficult to vote against the Hill-Burton Act and against this bill as it is to be in favor of sin.

Before yielding the floor, I assure my friend the majority leader and the Senator in charge of the bill that I shall withdraw my amendment.

I should like to ask my friend from Alabama one question, if he is willing to reply. Has my more or less eloquent plea in support of greater consideration for modernization of hospital needs of our great urban centers made somewhat of a "dent" on my friend from Alabama so that, come the early days of January 1965, we can look forward to perhaps a little more favorable consideration of the needs than the Senator from Alabama was able to give them this year?

Mr. HILL. The Senator from Alabama will be delighted to consider any further proposals with reference to modernization. The Senator from Alabama wishes to do anything he can to meet the needs of modernization. I want to say to the Senator from Philadelphia——

Mr. CLARK. Pennsylvania.

Mr. HILL. Pennsylvania. I am sorry. The reason I said "Philadelphia" was that under this bill $530 million can be transferred to modernization, in addition to the $160 million specifically earmarked for modernization. In other words, it is possible, under the bill, to have $690 million for modernization.

I take it the Senator feels that in his State of Pennsylvania, his State health agency, which makes the determination as to the distribution of these funds, will not go very far so far as transferring of funds for modernization is concerned. But under the bill it is clearly possible to have some $690 million for modernization.

Although this bill is not altogether what I would have it, it is no small measure. It authorizes, over a 5-year period, appropriations of $1,362,500,000. So it goes a pretty long way in the field of hospitals and other health facilities.

I was in New York about 2 weeks ago. I saw the tremendous wealth there, and therefore the possibility of perhaps doing more than they have done in the field of modernization. This is true of most of the large cities. I would like to see the Federal Government do more, but I want to emphasize that the bill takes a good step forward, with $690 million made available for modernization, and with an overall authorization of $1,326,500.

Mr. CLARK. I thank my friend for his candid reply. I should like to reiterate what I said earlier—that the total amount guaranteed for modernization in this bill over a 5-year period is $90 million. The administration would have made available, over a 5-year period, $340 million. In my opinion, that amount is entirely inadequate. So I think it is going to be a good, long, dry year before there is provided for modernization one-tenth of what is needed. It is true that a greater amount is possible for modernization if money is taken away from construction for new hospitals, which every State wants to see built.

Mr. HILL. Under the bill, a State agency has to make the decision on the needs. I am not here to draw an indictment against the State agencies. They have been doing a good job. I would congratulate them on the job. Where they feel there is a greater need for modernization than for new construction, they can render a decision for modernization.

Mr. CLARK. The Senator from Alabama has long been a sincere advocate of States rights. I have raised an eyebrow at the sanctity of that particular doctrine, having been mayor of the great city of Philadelphia for 4 years, and having had to deal with an adverse legislature and Governor. Knowing the situation in Pennsylvania, which I know is true of many parts of the United States, if we wanted to get something for Pittsburgh or Philadelphia out of the legislature at Harrisburg, we would sweat blood.

Again, I thank the Senator for his consideration. I am confident he will give consideration to this matter with an open mind. I hope the administration, or someone in the administration, will read the CONGRESSIONAL RECORD, and that when the administration comes forward with its program next year—and I refer particularly to the Department of Health, Education, and Welfare, as well as the White House—it will pay some attention to the requirements of the cities of America.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. JAVITS. Mr. President, the National Defense Education Act is one of the most successful examples of Federal-State cooperation in meeting the Nation's urgent needs. I have supported this program and I have urged that it be extended and expanded to meet the needs created by our growing population.

The extension of the National Defense Education Act for 3 years gives a very necessary measure of stability to this vital program. There has been an increasing recognition throughout the country that substantial assistance must be given to bolster the higher education system and its capability in the years ahead to train and develop the talent essential to free world leadership.

In this bill the student loan program has been substantially increased in total amount and its scope broadened. This will make it possible for additional thousands of students to continue and complete their college education. Acceptance of my proposal to extend eligibility for loans to some part-time students now makes it possible to assist many a youth who is working his way through college.

I welcome the broadening of title III by the addition of English and other new subjects which are vital for our Nation including an emphasis on the study of international affairs to the importance of which I had called attention in committee discussions.

Extending the National Defense Education Act gives assurance also of continued Federal support for the language and area centers in which we have made a heavy investment. By increasing the number of fellowships, it also means that

the supply of linguists, mathematicians, engineers, scientists, and teachers will not be slowed down at a time when our national need for such skilled manpower is growing. In the face of booming college enrollments and galloping costs, the extended and expanded National Defense Education Act provides an enormous opportunity for constructive action.

Mr. President, the Hill-Burton Act is another fine example of successful Federal-State cooperation.

We need more new hospitals and other medical facilities and a very essential provision is now made in the Hill-Burton Act for modernizing and improving older existing facilities so as to keep pace with the demands of modern medicine. An important measure of flexibility in the use of the construction and modernization allocation is also provided in this amended bill.

Mr. President, I have for many years struggled to have eliminated from the Hill-Burton Act one of the last overt vestiges of the constitutionally invalidated separate-but-equal doctrine. Section 622(f) of the act, as enacted in 1944 and as it is still on the books, requires that State plans under the act provide for adequate hospital facilities "without discrimination on account of race, creed, or color," and that the applicant shall give assurance to the State that the facilities will be available without such discrimination; but the section goes on to make an exception "where separate hospital facilities are provided for separate population groups, if the plan makes equitable provision on the basis of need for facilities and services of like quality for each such group."

Since the 1954 Supreme Court school desegregation decision, there has been little doubt that the separate-but-equal language of section 622(f) violates the 5th and 14th amendments as a denial of equal protection of the laws in federally and State-supported hospitals. I have repeatedly introduced bills to repeal that language and have moved amendments to various appropriation and authorization bills which would have achieved the same effect. All have been without result, and the Department of Health, Education, and Welfare has continued to approve applications for segregated hospitals and facilities under that provision.

Early this year the Court of Appeals for the Fourth Circuit held that the provision was unconstitutional in the case of two Hill-Burton hospitals in North Carolina, and the Supreme Court denied certiorari. I then attempted unsuccessfully, to learn from HEW what they proposed to do with their regulations in view of the fourth circuit decision. It has been my position throughout that no further legislation was necessary except to remove the invalid language from the books; even without legislation the executive branch has a clear obligation, in my judgment, to disregard unconstitutional legislative directions and to enforce the law in accordance with constitutional requirements.

In the amended Hill-Burton measure proposed to the Congress by the Executive early this year, the separate-but-equal language was eliminated from what was now section 603(e) of the act. As the measure was passed by the House, and as it is now reported to the Senate by the Labor and Public Welfare Committee, both the separate-but-equal language and the antidiscrimination language which had preceded it are eliminated from the act. What is left is the requirement that a State plan shall provide adequate hospitals and facilities "for all persons residing in the State" and that assurance shall be received by the State from the applicant that the federally aided facility "will be made available to all persons residing in the territorial area of the applicant."

By this circuitous route we have at last brought the words of the Hill-Burton Act into line with the Constitution. The language now left in the act will be almost identical with language in the Library Services Act, which the Department has for some time interpreted as permitting it to require that facilities, to receive Federal aid, must be nonsegregated.

However, whatever was done with this language, racial segregation in hospitals built and modernized with Federal tax moneys would have had to come to an end because of title VI of the Civil Rights Act of 1964, which set the policy for the entire Federal Government. With the doubly invalidated separate-but-equal language now deleted from the Hill-Burton Act itself, there should be rapid action by HEW to make the Constitution a reality in this most important area of health services. In this connection, I was pleased to note in the press a meeting held at HEW this week at which plans to desegregate Hill-Burton facilities were discussed with representatives of national health organizations.

A long campaign here in the Senate now ends successfully but begins on the level of implementation. The play "The Death of Bessie Smith" relates poignantly the story of the Negro singer who was turned away from an all-white hospital and died. At last we will begin to make such tragedies a matter of past history.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no amendment to be proposed, the question is on the third reading.

The bill (H.R. 10041) was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HILL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF TIME FOR COMMITMENT OF CONSTRUCTION RESERVE FUNDS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1188, S. 2995.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2995) to amend section 511(h) of the Merchant Marine Act, 1936, as amended, in order to extend the time for commitment of construction reserve funds.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If no amendment is to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso at the end of section 511(h) of the Merchant Marine Act, 1936, as amended, is amended to read as follows: "*Provided,* That until January 1, 1965, in addition to the extensions hereinbefore permitted, further extensions may be granted ending not later than December 31, 1965."

SEC. 2. The amendment made by the first section of this Act shall take effect December 31, 1964, or on the date of enactment of this Act, whichever date first occurs.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1252), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The bill would extend until December 31, 1965, the period during which construction reserve funds established under section 511 of the Merchant Marine Act of 1936, as amended, must be expended or committed for new vessel construction. If the period is not extended, Federal income taxes would have to be paid on the amount of money in such funds.

While the bill is general legislation, its provisions are applicable only to some $11 million of construction reserve funds of the American-Hawaiian Steamship Co. The company, since 1961, has been involved in proceedings before the Department of Commerce seeking ship mortgage insurance for the construction of modern container vessels for use in the intercoastal trade. The company's latest application was filed March 23, 1964, and it does not seem likely that all the details involved in the construction of those vessels and the commitment of the funds can be completed before the December 31, 1964, deadline of the existing law.

BACKGROUND STATEMENT

American-Hawaiian Steamship Co. was for many years an active operator in the intercoastal trades of the United States. Its fleets were taken over by the Government in both World Wars I and II. Strenuous efforts were made, following World War II, to continue in this trade. Finally, in 1953, the company ceased operations, and began research to develop a new type of vessel to counter the high costs of old-style break-bulk operations.

In 1961, after its application for mortgage insurance on three container ships of advanced design was denied by the Maritime

Administrator, American-Hawaiian sought and was granted a 1-year extension, until December 31, 1962, for consideration of possible further plans for reentry into the shipping trade. Invited later to reapply for the desired insurance, the company submitted a new application for insurance on November 17, 1961, to cover three container ships proposed to be constructed for operation in the intercoastal trade between U.S. east and west coast ports. Public hearings were held on the application in San Francisco, commencing August 26, 1962, and were concluded on October 25, 1962, in Washington, D.C. The initial decision of the Chief Examiner, Maritime Administration, rendered on April 8, 1963, found that the projected service appeared to be economically sound, and that its impact on other water carriers, in the trade did not appear to be serious enough to warrant denial of the application in light of the probable benefits to the domestic commerce of the country.

However, on October 24, 1963, the Maritime Administrator denied the company's application for Government mortgage insurance, on the ground that the proposed service would not be economically sound, that it would have an adverse impact on other water carriers in the intercoastal trade, and would be adverse to the promotion and development of the American merchant marine.

Secretary of Commerce Hodges, while concurring in the denial of the application, suggested that the Commerce Department would give consideration to a revised application based on Government insurance of not more than 50 percent of the estimated total cost of the vessels, if the company desired to submit a such revised application.

On October 24, 1963, the company informed the Maritime Administrator that it accepted the invitation to revise its application for mortgage insurance and the revised application was filed on March 23, 1964.

It seems clear that it will not be possible to complete all the details involved in this undertaking before the December 31, 1964, deadline created under existing law, and the committee therefore recommends another 1-year extension.

The committee has approved these requests for five successive annual extensions because of its belief that the applications of American-Hawaiian were entitled to consideration on their merits, without the imposition of a severe and arbitrary legal deadline.

American-Hawaiian's proposal for the construction of new vessels for the intercoastal trade is the first such move in many years and is therefore, of special interest to the committee. The committee believes that if the application for mortgage insurance is approved, the company should have sufficient time to legally commit its construction reserve funds without suffering the $2.5 million tax penalty that would be imposed by the January 1, 1965, deadline under present law. However, the committee is understandably not anxious to face the same legislation for the same reasons at the same time next year. Five annual extensions ought to provide enough time for resolving the issues in this case once and for all.

COST OF THE LEGISLATION

The bill does not involve or require any increase in expenditures by any agency of the Government. However, its overall revenue effect is more complex. Since the legislation would extend for an additional year a special tax benefit accruing to funds in a construction reserve fund, it would relieve the company involved of a potential liability for payment of approximately $2,500,000 in taxes. This tax liability would be due only if the construction reserve funds were not committed for the construction of new vessels before the deadline. Enactment of bill and subsequent investment of these construction reserve funds in new vessels would produce income-earning, tax-paying properties, which, as the report of the Department of Commerce indicates, could produce $4,800,000 in additional taxes over the life of the vessels.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1211, S. 2552, and the remaining bills on the calendar to which there is no objection, in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXEMPTION OF OCEANOGRAPHIC RESEARCH VESSELS FROM APPLICATION OF CERTAIN VESSEL INSPECTION LAWS

The Senate proceeded to consider the bill (S. 2552) to exempt oceanographic research vessels from the application of certain vessel inspection laws, and for other purposes, which had been reported from the Committee on Commerce, with an amendment, to strike out all after the enacting clause and insert:

That, as used in this Act—

(1) the term "oceanographic research vessel" means a vessel which the Secretary of the department in which the Coast Guard is operating finds is operated in the public interest by being employed exclusively in scientific research, or instruction in oceanography or limnology, or both; and

(2) the term "scientific personnel" means persons who are aboard a vessel solely for the purpose of engaging in scientific research, instructing, or receiving instruction, in ocesnography or limnology.

SEC. 2. An oceanographic research vessel shall not be considered a passenger vessel, a vessel carrying passengers, or a passenger-carrying vessel under the provisions of the laws relating to the inspection and manning of merchant vessels by reason of the carriage of scientific personnel.

SEC. 3. Scientific personnel on an oceanographic research vessel shall not be considered seamen under the provisions of title 53 of the Revised Statutes and Acts amendatory thereof or supplementary thereto.

SEC. 4. If the Secretary of the department in which the Coast Guard is operating determines that the application to any oceanographic research vessel of any provision of title 52 or title 53 of the Revised Statutes, or Acts amendatory thereof or supplementary thereto, is not necessary in the public interest, he may by regulation exempt any such vessel from such provision, upon such terms and conditions as he may specify.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

CONVEYANCE OF CERTAIN LANDS TO CITY OF SAXMAN, ALASKA

The bill (H.R. 8523) to authorize the conveyance of certain lands to the city of Saxman, Alaska, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1249), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

H.R. 8523, introduced by Congressman RIVERS of Alaska, will authorize the trustee of the city of Saxman, Alaska, under the direction of the Secretary of the Interior, to sell the 328 acres of land within the townsite of the city that are unoccupied and not held in trust for an Indian or Eskimo under existing law.

NEED

An Indian village was established at the site of the city of Saxman in 1894. The area was surveyed and the plat for "Saxman Municipality (Saxman Indian Village) Alaska" accepted by the General Land Office in 1929. In 1930 the Government issued a patent for 364.97 acres of land to the townsite trustee subject to the provisions of the act of May 25, 1926 (48 U.S.C. 355a–355d).

Section 3 of the 1926 act authorizes the Secretary of the Interior to issue to a trusteee patent to public lands claimed and occupied as a native town or village and further provides that the trustee shall convey to the individual Indians or Eskimos the lands claimed or occupied.

The committee has been advised that the patent issued to the trustee in 1930 embraced more land than was actually occupied by Indians or Eskimos at that time. The committee was further informed that there are now approximately 328 acres unoccupied and not held in trust for an Indian or Eskimo under the above-mentioned 1926 act.

The Department of the Interior has taken the position that the townsite trustee has no authority to sell lands to nonnative purchasers. H.R. 8523 is designed to provide the authority whereby any land in the city of Saxman that is not occupied and is not held in trust for an Indian or Eskimo under the 1926 act may be sold.

The committee believes that enactment of this bill is one of the necessary steps toward the development of the State of Alaska and its transition from territorial status to full statehood.

COST

No increase in budgetary requirements is involved in H.R. 8523.

CERTAIN LAND PREVIOUSLY CONVEYED TO CITY OF FAIRBANKS, ALASKA

The bill (H.R. 8654) to terminate a restriction on use with respect to certain land previously conveyed to the city of Fairbanks, Alaska, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 1250—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

H.R. 8654, which was introduced by Congressman RIVERS of Alaska, will release the mineral reservation retained by the United States in 1.2 acres of land previously conveyed to the city of Fairbanks and, at the same time, remove the restriction that prohibits the use of the land for other than school purposes.

NEED

By the act of June 1, 1948 (62 Sat. 283), the United States released and relinquished

to the city of Fairbanks, Alaska, for school purposes a lot comprised of 1.2 acres of land, subject to a reservation in the United States of all mineral rights together with the right to prospect for, mine, and remove the minerals.

The land relinquished to the city under the 1948 act is currently being used as a school playground and is within an area that has been approved for development as an urban renewal project under title I of the Housing Act of 1949 (63 Stat. 413), as amended.

Under the urban renewal plan the land used as a school playground will be utilized for residential purposes under arrangements that have been made for the developer to provide the city of Fairbanks with a substitute site for the playground. However, the city does not have the authority to make the exchange because of the specification in the 1948 act that the land be used for school purposes.

The Geological Survey of the Department of the Interior states that the land is not valuable for mineral development. Nonetheless, no matter how remote such development might be, the presence of the mineral reservation precludes financing for a residential development.

The committee has also been informed that at the time the city of Fairbanks was developed under the townsite laws, minerals were not reserved generally. Accordingly all the lands adjacent to the school playground are owned without mineral reservation.

Enactment of H.R. 8654 will remove the restriction on use of the property and permit the city of Fairbanks to go forward with the urban renewal project.

COST

No increase in budgetary requirements is involved in H.R. 8654.

GRAFF HOUSE SITE FOR INCLUSION IN INDEPENDENCE NATIONAL HISTORICAL PARK

The Senate proceeded to consider the bill (H.R. 988) to authorize the Secretary of the Interior to acquire the Graff House site for inclusion in Independence National Historical Park which had been reported from the Committee on Interior and Insular Affairs, with an amendment on page 2, at the beginning of line 20, to strike out "Act." and insert "Act: *Provided,* That the Secretary of the Interior shall not obligate or expend any moneys herein authorized to be appropriated for acquisition of the land unless and until commitments are obtained for donations in an amount which in the judgment of the Secretary is sufficient to provide a replica of the Graff House in accordance with section 2."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1279), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 988 is to authorize the Secretary of the Interior to acquire the site of the house, known as Graff House, in downtown Philadelphia in which Thomas Jefferson drafted the Declaration of Independence during the fateful days of June 1776, and to provide for the erection, with donated funds, of a replica of that house. The site and house then will become a part of the Independence National Historical Park in Philadelphia.

The reconstructed building will be developed as a living library, housing documents of freedom from all over the world; a center of learning in which scholars, teachers, and students may have access to and utilize source materials documenting man's struggle for freedom and independence.

The authenticity of the reconstruction will be assured through supervision by historians, scholars, and archeologists.

A Senate companion bill to H.R. 988, namely S. 605, was sponsored by the two Senators from Pennsylvania, Senator JOSEPH CLARK and Senator HUGH SCOTT, and was considered by the committee prior to passage of the House bill.

THE COMMITTEE AMENDMENT

The committee adopted an amendment drafted at its request by the National Park Service to make certain that before any Federal money is spent for acquisition of the site, sufficient funds from private sources will have been donated or committed to insure demolition of the existing structure and construction of a replica of the Graff House. Accordingly, on page 2, line 20, the following proviso was added to the appropriation authorization and limitation:

Provided, That the Secretary of the Interior shall not obligate or expend any moneys herein authorized to be appropriated for acquisition of the land unless and until commitments are obtained for donations in an amount which, in the judgment of the Secretary, is sufficient to provide a replica of the Graff House in accordance with section 2.

BACKGROUND OF LEGISLATION

Independence National Historical Park was authorized by act of Congress in 1946 and was established in 1956. It includes Independence Hall, where the world-famed Declaration itself was signed, and a number of other structures closely associated with the American Revolution and the early history of the United States. The Graff House site and reproduction will be a worthy addition to this site which attracts hundreds of thousands of visitors annually.

That the Graff House was the place in which the Declaration of Independence was drafted is attested to by Jefferson himself in letters which are set forth below. The building itself stood until 1883, but now a short-order lunchroom occupies the site, which is situated at the southwest corner of Seventh and Market Streets.

The Philadelphia National Shrines Park Commission which, under authority of the act of August 9, 1946 (60 Stat. 972), investigated the proposal to establish a Federal park area in Philadelphia, reported that the Graff House site, only two blocks from Independence Hall, was one of the most notable historic sites of the world. The commission recommended that it be included as project D of the park, but the recommendation was not accepted by the Congress in the 1948 authorizing act.

Since then, the legislative proposal has been considerably limited and tightened. As stated, under the terms of H.R. 988 as amended, Federal funds would be used only for acquisition of the site itself, and then only if private funds were available or committed to reconstruct, in authentic detail, the historic house. In the 87th Congress, Senators CLARK and SCOTT introduced a bill, S. 2353, for acquisition of the Graff House site, but no action was taken.

The committee held public hearings on S. 605, and no opposition of substance to the measure was heard.

FORT BOWIE NATIONAL HISTORICAL SITE, ARIZONA

The Senate proceeded to consider the bill (S. 91) to authorize the establishment of the Fort Bowie National Historical site, Arizona, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 2, line 23, after "SEC. 4.", to strike out "There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act." and insert "There is hereby authorized to be appropriated a sum not to exceed $550,000 to carry out the purposes of this Act: *Provided, however,* That not more than $15,000 shall be expended for the acquisition of the private lands included within the exterior boundaries of the proposed historic site."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Secretary of the Interior is authorized to designate, for preservation as the Fort Bowie National Historic Site, the site and remaining historic structures of old Fort Bowie, situated in Cochise County, Arizona, together with such additional land, interests in land, and improvements thereon, as the Secretary in his discretion may deem necessary to accomplish the purposes of this Act: *Provided,* That the Secretary shall designate no more than one thousand acres for inclusion in said site.

SEC. 2. Within the area designated pursuant to section 1 hereof, the Secretary of the Interior is authorized, under such terms, reservations, and conditions as he may deem satisfactory, to procure by purchase, donation, with donated funds, exchange, or otherwise, land and interests in land for the national historic site. When the historic remains of old Fort Bowie and all other privately owned lands within the aforesaid designated area have been acquired as provided in this Act, notice thereof and of the establishment of the Fort Bowie National Historic Site shall be published in the Federal Register. Thereupon all public lands within the designated area shall become a part of the Fort Bowie National Historic Site.

SEC. 3. The Fort Bowie National Historic Site, as constituted under this Act, shall be administered by the Secretary of the Interior as a part of the national park system, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended, the Historic Sites Act of August 21, 1935 (49 Stat. 666), and all laws and regulations of general application to historic areas within the national park system.

SEC. 4. There is hereby authorized to be appropriated a sum not to exceed $550,000 to carry out the purposes of this Act: *Provided, however,* That not more than $15,000 shall be expended for the acquisition of the private lands included within the exterior boundaries of the proposed historic site.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the re-

port (No. 1280), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 91 is to preserve for future generations the site and remaining historic structures of Fort Bowie and such additional land, interest in land, and improvements thereon as is deemed necessary to preserve the fort.

A similar measure, H.R. 946, was favorably reported by the House Interior and Insular Affairs Committee on March 25, 1964.

Fort Bowie was named for George Washington Bowie, 1824–1901, a native of Montgomery County, Md., whose military record is as follows:

Commissioned, 1st lieutenant, U.S. Army, at Burlington, Iowa, April 1, 1847, where he was assigned to the 15th U.S. Infantry; promoted to captain July 20, 1847; brevet major for gallant and meritorious conduct at the battles of Contreras and Churubusco, Mexico, August 20, 1847; distinguished himself in command of his company at the storming of Chapultepec, September 14, 1847; honorably discharged at Covington, Ky., August 4, 1848.

Mustered in as colonel, 5th California Infantry, at Sacramento, Calif., to date from November 8, 1861; stationed at Camp Union, near Sacramento, until February 1862, when he went to southern California and was in command at Camp Latham, near the Cienega, between Los Angeles and Santa Monica; marched to Camp Wright, near Warner's Ranch, San Diego County, arriving April 9; assumed command of the military district of southern California with headquarters at Fort Yuma, May 17, 1862.

Marched via Fort Yuma, Tucson, and Apache Pass to the Rio Grande, February and March 1863; in command of the military district of Arizona with headquarters at Franklin now El Paso), Tex., April 15, 1863; stationed there until he was honorably discharged from the service at that place December 14, 1864; brevet brigadier general of volunteers for faithful and meritorious services during the war.

Fort Bowie, established July 28, 1862. Bowie Peak, and the town of Bowie, all in Cochise County, Ariz., named for him.

CONVEYANCE OF CERTAIN LAND IN THE NEWTON AREA, CALIFORNIA, TO CLARENCE J. WILDER

The Senate proceeded to consider the bill H.R. 5302 to direct the Secretary of the Interior to convey certain lands in the Newton area, California, to Clarence J. Wilder.

Mr. KUCHEL. Mr. President, so that the RECORD may be clear, it should show that the conveyance is dependent upon the payment of the "fair market value." I say that for the benefit of the "Tiger of the Senate" the Senator from Oregon [Mr. MORSE].

The bill was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1037), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

H.R. 5302 directs the Secretary of the Interior to convey, at fair market value as of March 25, 1952, to Clarence J. Wilder 3 acres of public land in the Newton area near Placerville, Calif.

NEED

The lands described in H.R. 5302, as amended, are a portion of the public lands which Mr. Wilder and his wife sought to acquire by warrantee deed in the 1930's, believing the lands to be privately owned. Mr. Wilder has continuously since that time claimed title to the land.

The house occupied by Mr. Wilder was built in approximately 1852 and has been used continuously for private purposes. The original use of the property was as a general store and pony express station. The committee was advised that, after the Wilders had purchased what they thought was title to the land and improvements for $1,000, they expended approximately $8,000 in restoring the pony express station.

Although it appears that Mr. Wilder has equities similar to those that permit the issuance of patent to lands under the Color of Title Act of December 22, 1928, as amended (45 Stat. 1069, 67 Stat. 227; 43 U.S.C. 1068), the Department of the Interior advised the committee that "the records of the Bureau of Land Management do not reflect the basis upon which it was concluded that the Color of Title Act is not applicable to Mr. Wilder's situation." Without debating the technical question of whether Mr. Wilder can comply with the requirements of the Color of Title Act, the committee believes that good conscience and equity, applied to the situation presented in H.R. 5302, require that title to the real property involved be transferred to Mr. Wilder.

The committee was also advised that on March 25, 1952, Mrs. Wilder filed an application for the acquisition of approximately 5 acres of the land under the Small Tract Act (52 Stat. 609; 43 U.S.C. 682a et seq.). Subsequently Mrs. Wilder passed away in November 1954 before action could be taken on her application. In view of the circumstance, the committee believes that equity will be accomplished if Mr. Wilder is permitted to acquire the property at its fair market value as of the time that the Small Tract Act application was filed.

COMMITTEE AMENDMENTS

The first committee amendment provides for the reduction in the area to be conveyed from 5 to 3 acres, comprising the land on which the improvements are situated together with a reasonable amount surrounding the buildings.

In view of the equities involved, the second committee amendment provides that with the execution of the conveyance of title Mr. Wilder shall be relieved of any liability for prior use of the conveyed lands. The committee, in weighing the equities, submits that there should be no charge for so-called unauthorized use of the land because Mr. Wilder believed he was the rightful owner of the land.

The committee believes that the Government's interest is adequately protected in receiving the fair market value of the land as of 1952, the date the Wilders applied for purchase under the Small Tract Act.

COST

No increase in budgetary requirements is involved in H.R. 5302.

REPEAL OF ACT OF OCTOBER 22, 1919

The bill (H.R. 1892) to repeal the act of October 22, 1919 (41 Stat. 239); 43 U.S.C. 351–355, 357–360) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1282), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

H.R. 1892 will repeal the act of October 22, 1919 (43 U.S.C. 851–355, 357–360), commonly known as the Pittman Act, which authorizes grants of certain public lands in the State of Nevada. The bill, however, will permit the processing of applications filed prior to enactment of this repealing act.

NEED

The act of October 22, 1919, was designed to encourage the reclamation of lands in Nevada by authorizing the Secretary of the Interior to grant lands under certain circumstances if, after exploration, it could be shown that there is sufficient underground water to produce profitable crops on a minimum of 20 acres of land. The Department of the Interior states that the Pittman Act has failed to accomplish its objective and that only three economic farm units have been developed in the 40 years that the act has been in operation.

Although the act of October 22, 1919, has not brought effective results, it has led to submission of many applications which the Department of the Interior characterizes as "ill advised," thereby imposing an unreasonable administrative burden on the Department. In addition, promoters have misled members of the general public into making payments for applications that were worthless because they covered lands not subject to disposition under the Pittman Act.

H.R. 1892 would, therefore, repeal the Pittman Act as no longer serving its purpose.

COST

Enactment will not have any significant effect on budgetary requirements and may result in reduction of some administrative expense.

PERMANENT AUTHORITY FOR FLIGHT INSTRUCTION FOR MEMBERS OF RESERVE OFFICERS' TRAINING CORPS

The bill (S. 3063) to make permanent the authority for flight instruction for members of Reserve Officers' Training Corps, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 101 of title 10, United States Code, is amended as follows:

(1) By adding the following new section at the end thereof:

"§ 2002. Flight instruction for members of Reserve Officers' Training Corps

"The Secretary of any military department may provide, or contract with civilian flying or aviation schools or educational institutions to provide, such personnel, aircraft, supplies, facilities, and instructions as are necessary for flight instruction of members of the Reserve Officers' Training Corps under his jurisdiction."

(2) By adding the following new item at the end of the analysis:

"2002. Flight instruction for members of Reserve Officers' Training Corps."

SEC. 2. Section 32 of the Act of September 2, 1958, Public Law 85–861, as amended (72 Stat. 1564), is repealed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 1283), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would make permanent the authority for flight instruction for members of the Reserve Officers' Training Corps.

EXPLANATION

Public Law 879 of the 84th Congress authorized flight training in the ROTC programs of the Army, the Navy, and the Air Force. This authority was intended to attract more qualified young men to apply for flight spaces in the advanced ROTC courses, to detect those who would later fail to complete pilot training after having been commissioned for that purpose, and to motivate more young Americans to become career flying officers. The original authority was for a period of 4 years and a 4-year extension was granted by Public Law 86-597. Unless extended, the authority expires on August 1, 1964.

The flight instruction program provides for approximately 35 hours of flight instruction and 35 hours of ground instruction. The military departments contract with the private colleges and universities to provide the flight instruction. The training is offered during the senior year of the ROTC cadets.

The flight and ground school curriculums have been approved by the Federal Aviation Agency. Cadets who successfully complete the program and pass the FAA flight and ground school examinations qualify for a FAA private pilot certificate.

The military departments are enthusiastic about the results from the operation of this program. The attrition rate in the Navy and Air Force pilot training for ROTC graduates who have successfully completed the flight instruction program has been approximately one-half that of ROTC graduates who have not received such training. In the Army the comparable attrition rate is approximately one-third that of ROTC graduates who have not received flight training.

COST

The table that follows shows the costs of the ROTC flight instruction program from its inception through fiscal year 1963.

Fiscal year	Air Force	Army	Navy	Total
1957	$538,629	$142,000	$14,000	$694,629
1958	547,000	280,000	29,000	856,000
1959	668,000	325,250	7,000	1,000,250
1960	712,000	245,266	----------	957,266
1961	704,000	260,500	----------	964,500
1962	612,000	309,000	150,000	1,071,000
1963	717,000	430,000	152,000	1,299,000

The estimated cost of the program for fiscal year 1964 is $1,613,000 and for fiscal year 1965 it is $1,700,000.

ADVANCE MOVEMENT OF DEPENDENTS AND EFFECTS OF MEMBERS OF UNIFORMED SERVICES

The bill (H.R. 4739) to amend section 406 of title 37, United States Code, with regard to the advance movement of dependents and baggage and household effects of members of the uniformed services was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1284), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would authorize the advance movement of dependents, baggage, and household effects of members of the uniformed services if the secretary of the department concerned determined such advance movement to be in the best interests of the member or his dependents and the United States.

EXPLANATION

For a member of the uniformed services who is serving at a station outside the United States or in Alaska or Hawaii, existing law provides authority for the advance return of dependents, baggage, household effects, and privately owned automobiles of members of the uniformed services in "unusual or emergency circumstances."

The Department of Defense considers that advance movement is desirable under some conditions that do not qualify as unusual or emergency circumstances. Unforeseen family problems, changes in a member's status, and changed economic and political conditions in oversea areas at times make the advance return of dependents in the best interests of the member and the United States. Specific examples of situations justifying advance return of dependents include marital difficulties, financial problems brought about by confinement or reduction in grade of the member, and the death or serious illness of close relatives.

Similar authority for the advance movement of the dependents and household effects of a civilian employee serving outside the United States is contained in section 73b-3 of title 5, United States Code.

The bill provides that if an automobile is returned to the United States in advance of the member, an automobile may not be returned at Government expense when the member himself is ordered to make a permanent change of station.

The only expanded entitlement in this bill is the authorization for the return at Government expense of a dependent who attained the age of 21 while with the member overseas. This entitlement would exist only for a member's unmarried child who was transported overseas at Government expense incident to a permanent change of station of his parent.

Under the bill, if dependents are returned to the United States, they may not thereafter be returned to the oversea station they left, unless the member receives a permanent change of station to another assignment overseas or unless the return of the dependents is for the convenience of the Government.

A minor change permits automobiles otherwise authorized to be transported at the expense of the United States to be so transported on vessels leased or chartered by the United States. Now only vessels owned by the United States may be used for this purpose.

COST

It is impractical to make a meaningful estimate of the cost of this bill. The only new entitlement is the authorization for the return at Government expense of a dependent who attained the age of 21 while with the member overseas. The number of such dependents who might become entitled to return transportation to the United States cannot be predicted, but it is not large. The other expense involved in the bill would be incurred by the United States if the bill were not enacted, but at a later date. The annual cost is thought to be substantially less than $1 million and the Department of Defense informed the committee that this expense could be absorbed within available appropriations and that additional appropriations will not be requested.

WITHHOLDING AND FORFEITURE OF PAY AND ALLOWANCES OF CERTAIN MEMBERS OF UNIFORMED SERVICES WHO AID THE ENEMY WHILE PRISONERS OF WAR

The bill (S. 3062) to provide for the withholding and the forfeiture of the pay and allowances of certain members of the uniformed services who, while prisoners of war, aid the enemy or are guilty of other misconduct, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1007 of title 37, United States Code, is amended by adding the following new subsection at the end thereof:

"(h) Notwithstanding sections 1001-1016 of title 50, appendix, the Secretary concerned may withhold all or any part of the pay and allowances that are due or that become due a member of a uniformed service who is formally charged with committing, while a prisoner of war, an offense in violation of section 904 or 905 of title 10. However, all pay and allowances so withheld shall be paid to the member if—

"(1) the charge against him is dismissed;

"(2) he is acquitted of the offense; or

"(3) he is convicted of the offense, but, on review, the finding of guilty is set aside under conditions that prevent further trial within a reasonable time, as determined by the Secretary."

SEC. 2. Article 57(a) of the Uniform Code of Military Justice (10 U.S.C. 857(a)) is amended by adding the following new sentence at the end thereof: "However, a forfeiture may extend to pay or allowances that have been withheld under section 1007(h) of title 37."

AMENDMENT OF MISSING PERSONS ACT REGARDING PERSONS DETAINED IN FOREIGN COUNTRIES AGAINST THEIR WILL

The bill (H.R. 2989) to further amend the Missing Persons Act to cover certain persons detained in foreign countries against their will, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1286), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would amend the Missing Persons Act (1) to permit the continued crediting of pay and allowances to a person who is detained in a foreign country against his will, and (2) to restore to the law a provision for the filing and payment of income tax returns on the 15th day of the 3d month after termination of a missing status, or after the executor or administrator of the estate of a missing person has been appointed.

BACKGROUND

The Missing Persons Act provides authority for the heads of executive departments to continue to credit the pay accounts of persons within the scope of the statute who are missing in action, interned, captured, or in a similar status and to initiate, continue, or modify alowances to dependents of persons in a missing status. It also authorizes the shipment of household effects and the transportation of dependents of persons in a missing status to such locations as may be approved by the head of the department concerned. With this authority the departments can continue to protect the financial interests of covered persons in a variety of ways, such as by paying commercial insurance premiums while the person is in a missing status. If allotments to dependents are not in effect when the person was placed in a missing category, the head of the department can initiate an allotment to provide for the dependents.

EXPLANATION OF THE BILL

The law now permits the continued crediting of pay for persons who are "missing, missing in action, interned in a foreign country captured by a hostile force, or besieged by a hostile force." The Department of Defense considers that none of these descriptions accurately fits some categories of persons who should be entitled to continued pay and allowances, such as the two Air Force captains who were held by the Soviet Union after their B–47 was shot down over the Barents Sea. To cover such persons the bill would permit the continued crediting of pay and allowances to a person "who is detained in a foreign country against his will."

The bill also restores to the law a provision for the filing and payment of income tax on the 15th day of the third month following termination of a missing status or after an executor, administrator, or conservator of the estate of a missing person has been appointed. This provision was in the original Missing Persons Act when it was approved in 1942, but it was not reenacted when the act was reactivated by the Selective Service Act of 1948. Without this provision, the Internal Revenue Service has no express authority to excuse a person who files a late income tax return because he was imprisoned in a foreign country and there is no express authority for granting a refund if the 3-year statute of limitations for filing such a refund expires while the person is in prison.

FISCAL DATA

Enactment of this bill will not increase expenditures by the Department of Defense, as the Department is now applying the Missing Persons Act to persons currently carried as "missing."

LOWER PEND d'OREILLE OR KALISPEL TRIBE OF INDIANS

The bill (H.R. 10973) to provide for the disposition of judgment funds on deposit to the credit of the Lower Pend d'Oreille or Kalispel Tribe of Indians was considered, ordered to a third reading, read the third time, and passed.

AUTHORITY TO USE CERTAIN FUNDS FOR SPECIAL METEOROLOGICAL SERVICES

The bill (S. 970) to authorize the Secretary of Commerce to utilize funds received from State and local governments for special meteorological services was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce may accept reimbursement for providing meteorological and hydrological work or services requested by States, counties, cities, or other local government units. Reimbursement may be accepted for the total or partial cost of the work or services furnished for the benefit of or in cooperation with such governmental units: *Provided,* That the Secretary shall require reimbursement for the total direct and indirect costs of work or services so provided which do not have value to the public at large.

SEC. 2. The Secretary of Commerce may receive such payment in funds or property to be used in providing the work or services, or both. All funds received in payment for work or services authorized herein shall be deposited in a separate account in the Treasury and shall be available to pay the costs of such work or services, for making refunds, or for crediting appropriations from which the cost of such work or services may have been paid: *Provided,* That payment for indirect costs not paid from the appropriation bearing the cost of the work or services shall be deposited into the Treasury as miscellaneous receipts.

SEC. 3. The Secretary of Commerce shall establish regulations to insure that no commitment for work or services that are determined to have no value to the public at large are made to States, counties, cities, or other local government units where such work or services can be obtained from private organizations and individuals who have competency in the meteorological sciences.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar. I take this means of expressing my thanks and appreciation to the distinguished Senator from Arkansas, the chairman of the Foreign Relations Committee [Mr. FULBRIGHT], for his patience and understanding.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. FULBRIGHT. Mr. President, I am painfully conscious of the distaste of my colleagues for this misnamed, maligned, misrepresented, and misunderstood legislation.

For longer than I care to remember, I have had the thankless duty of presenting this bill to the Senate. Today, in the few minutes remaining before the Senate adjourns, I shall make the presentation as short and painless as I can. I have not forgotten the incredibly long and arduous debate which kept us in session until just before Christmas last year. I can only hope it will not go that long this year.

Some years ago Prime Minister Nehru of India took the visiting Chinese Foreign Minister Chou En-Lai to the site of a new dam. "It is in these temples that I worship," said Nehru. And so indeed he did, as does virtually every other leader of the third world of Asia, Africa, and Latin America. Many, like Nehru himself, have done far more than worship in the temple of economic development; they have gone out of the temple to build dams and schools and factories, to begin the vast enterprise of bringing their long quiescent lands into the dynamic life of the 20th century.

Clearly, the aspiration to economic development is one of the powerful motivating forces in the world. It gives promise and substance and hope to the nationalism of the emerging nations. It has created new ferment in the world, new hopes and new dangers which the advanced nations, Communist as well as free, have tried to influence through military, economic, and technical assistance programs of unprecedented magnitude.

The aspirations of the poor nations are the occasion but not really the reason for the American foreign aid program. The reason for our aid—I think we must admit—lies in our own aspirations rather than those of the recipients, or, more precisely, in the profound effects which their aspirations have on our own prospects for peace and security.

Looked at in this way, foreign aid is not a special undertaking like an earthquake or famine relief program, but an instrument of policy—a normal instrument of policy like diplomacy, military power or intelligence, each of which is designed to achieve certain objectives which cannot readily be obtained by other means. I should like in these brief remarks to offer a few suggestions as to why foreign aid is a necessary instrument of American foreign policy, as to the kind of instrument it is and the kind of objectives it is likely to help attain.

The subject is not one which the Senate has neglected. Unlike certain other programs—some of at least equal importance and some of vastly greater magnitude—foreign aid has inspired many hours of colloquy and debate, including 3 full weeks of most enlightening discussion only a few months ago. There is therefore little to be said about foreign aid that has not been said before, but the case for the aid program is no less valid for being familiar. It is, indeed, as strong a case today as it was when General Marshall spoke at Harvard in 1947, and in some respects the prospects of our aid achieving its objectives are decidedly better today, after 17 years' experience, than they were when aid was a new and untested instrument of policy.

Of the bill itself little need be said. Its content is spelled out in the report of the Foreign Relations Committee and is in any case familiar. All that is markedly new about this year's foreign aid bill is the amounts proposed to be authorized, which are greatly reduced below the levels of previous years. It may be that the reductions have been too great; it may be that the program will function more effectively on a smaller scale. It is clear in any case that the proposed authorization cannot be further reduced without undermining the aid program as an instrument of American foreign policy.

The President has indicated that he regards this year's foreign aid request as the minimum consistent with the main-

(No. 1283), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would make permanent the authority for flight instruction for members of the Reserve Officers' Training Corps.

EXPLANATION

Public Law 879 of the 84th Congress authorized flight training in the ROTC programs of the Army, the Navy, and the Air Force. This authority was intended to attract more qualified young men to apply for flight spaces in the advanced ROTC courses, to detect those who would later fail to complete pilot training after having been commissioned for that purpose, and to motivate more young Americans to become career flying officers. The original authority was for a period of 4 years and a 4-year extension was granted by Public Law 86-597. Unless extended, the authority expires on August 1, 1964.

The flight instruction program provides for approximately 35 hours of flight instruction and 35 hours of ground instruction. The military departments contract with the private colleges and universities to provide the flight instruction. The training is offered during the senior year of the ROTC cadets.

The flight and ground school curriculums have been approved by the Federal Aviation Agency. Cadets who successfully complete the program and pass the FAA flight and ground school examinations qualify for a FAA private pilot certificate.

The military departments are enthusiastic about the results from the operation of this program. The attrition rate in the Navy and Air Force pilot training for ROTC graduates who have successfully completed the flight instruction program has been approximately one-half that of ROTC graduates who have not received such training. In the Army the comparable attrition rate is approximately one-third that of ROTC graduates who have not received flight training.

COST

The table that follows shows the costs of the ROTC flight instruction program from its inception through fiscal year 1963.

Fiscal year	Air Force	Army	Navy	Total
1957	$538,629	$142,000	$14,000	$694,629
1958	547,000	280,000	29,000	856,000
1959	668,000	325,250	7,000	1,000,250
1960	712,000	245,266		957,266
1961	704,000	260,500		964,500
1962	612,000	309,000	150,000	1,071,000
1963	717,000	430,000	152,000	1,299,000

The estimated cost of the program for fiscal year 1964 is $1,613,000 and for fiscal year 1965 it is $1,700,000.

ADVANCE MOVEMENT OF DEPENDENTS AND EFFECTS OF MEMBERS OF UNIFORMED SERVICES

The bill (H.R. 4739) to amend section 406 of title 37, United States Code, with regard to the advance movement of dependents and baggage and household effects of members of the uniformed services was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1284), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would authorize the advance movement of dependents, baggage, and household effects of members of the uniformed services if the secretary of the department concerned determined such advance movement to be in the best interests of the member or his dependents and the United States.

EXPLANATION

For a member of the uniformed services who is serving at a station outside the United States or in Alaska or Hawaii, existing law provides authority for the advance return of dependents, baggage, household effects, and privately owned automobiles of members of the uniformed services in "unusual or emergency circumstances."

The Department of Defense considers that advance movement is desirable under some conditions that do not qualify as unusual or emergency circumstances. Unforeseen family problems, changes in a member's status, and changed economic and political conditions in oversea areas at times make the advance return of dependents in the best interests of the member and the United States. Specific examples of situations justifying advance return of dependents include marital difficulties, financial problems brought about by confinement or reduction in grade of the member, and the death or serious illness of close relatives.

Similar authority for the advance movement of the dependents and household effects of a civilian employee serving outside the United States is contained in section 73b-3 of title 5, United States Code.

The bill provides that if an automobile is returned to the United States in advance of the member, an automobile may not be returned at Government expense when the member himself is ordered to make a permanent change of station.

The only expanded entitlement in this bill is the authorization for the return at Government expense of a dependent who attained the age of 21 while with the member overseas. This entitlement would exist only for a member's unmarried child who was transported overseas at Government expense incident to a permanent change of station of his parent.

Under the bill, if dependents are returned to the United States, they may not thereafter be returned to the oversea station they left, unless the member receives a permanent change of station to another assignment overseas or unless the return of the dependents is for the convenience of the Government.

A minor change permits automobiles otherwise authorized to be transported at the expense of the United States to be so transported on vessels leased or chartered by the United States. Now only vessels owned by the United States may be used for this purpose.

COST

It is impractical to make a meaningful estimate of the cost of this bill. The only new entitlement is the authorization for the return at Government expense of a dependent who attained the age of 21 while with the member overseas. The number of such dependents who might become entitled to return transportation to the United States cannot be predicted, but it is not large. The other expense involved in the bill would be incurred by the United States if the bill were not enacted, but at a later date. The annual cost is thought to be substantially less than $1 million and the Department of Defense informed the committee that this expense could be absorbed within available appropriations and that additional appropriations will not be requested.

WITHHOLDING AND FORFEITURE OF PAY AND ALLOWANCES OF CERTAIN MEMBERS OF UNIFORMED SERVICES WHO AID THE ENEMY WHILE PRISONERS OF WAR

The bill (S. 3062) to provide for the withholding and the forfeiture of the pay and allowances of certain members of the uniformed services who, while prisoners of war, aid the enemy or are guilty of other misconduct, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1007 of title 37, United States Code, is amended by adding the following new subsection at the end thereof:

"(h) Notwithstanding sections 1001-1016 of title 50, appendix, the Secretary concerned may withhold all or any part of the pay and allowances that are due or that become due a member of a uniformed service who is formally charged with committing, while a prisoner of war, an offense in violation of section 904 or 905 of title 10. However, all pay and allowances so withheld shall be paid to the member if—

"(1) the charge against him is dismissed;

"(2) he is acquitted of the offense; or

"(3) he is convicted of the offense, but, on review, the finding of guilty is set aside under conditions that prevent further trial within a reasonable time, as determined by the Secretary."

SEC. 2. Article 57(a) of the Uniform Code of Military Justice (10 U.S.C. 857(a)) is amended by adding the following new sentence at the end thereof: "However, a forfeiture may extend to pay or allowances that have been withheld under section 1007(h) of title 37."

AMENDMENT OF MISSING PERSONS ACT REGARDING PERSONS DETAINED IN FOREIGN COUNTRIES AGAINST THEIR WILL

The bill (H.R. 2989) to further amend the Missing Persons Act to cover certain persons detained in foreign countries against their will, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1286), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would amend the Missing Persons Act (1) to permit the continued crediting of pay and allowances to a person who is detained in a foreign country against his will, and (2) to restore to the law a provision for the filing and payment of income tax returns on the 15th day of the 3d month after termination of a missing status, or after the executor or administrator of the estate of a missing person has been appointed.

BACKGROUND

The Missing Persons Act provides authority for the heads of executive departments to continue to credit the pay accounts of persons within the scope of the statute who are missing in action, interned, captured, or in a similar status and to initiate, continue, or modify alowances to dependents of persons in a missing status. It also authorizes the shipment of household effects and the transportation of dependents of persons in a missing status to such locations as may be approved by the head of the department concerned. With this authority the departments can continue to protect the financial interests of covered persons in a variety of ways, such as by paying commercial insurance premiums while the person is in a missing status. If allotments to dependents are not in effect when the person was placed in a missing category, the head of the department can initiate an allotment to provide for the dependents.

EXPLANATION OF THE BILL

The law now permits the continued crediting of pay for persons who are "missing, missing in action, interned in a foreign country, captured by a hostile force, or besieged by a hostile force." The Department of Defense considers that none of these descriptions accurately fits some categories of persons who should be entitled to continued pay and allowances, such as the two Air Force captains who were held by the Soviet Union after their B-47 was shot down over the Barents Sea. To cover such persons the bill would permit the continued crediting of pay and allowances to a person "who is detained in a foreign country against his will."

The bill also restores to the law a provision for the filing and payment of income tax on the 15th day of the third month following termination of a missing status or after an executor, administrator, or conservator of the estate of a missing person has been appointed. This provision was in the original Missing Persons Act when it was approved in 1942, but it was not reenacted when the act was reactivated by the Selective Service Act of 1948. Without this provision, the Internal Revenue Service has no express authority to excuse a person who files a late income tax return because he was imprisoned in a foreign country and there is no express authority for granting a refund if the 3-year statute of limitations for filing such a refund expires while the person is in prison.

FISCAL DATA

Enactment of this bill will not increase expenditures by the Department of Defense, as the Department is now applying the Missing Persons Act to persons currently carried as "missing."

LOWER PEND d'OREILLE OR KALISPEL TRIBE OF INDIANS

The bill (H.R. 10973) to provide for the disposition of judgment funds on deposit to the credit of the Lower Pend d'Oreille or Kalispel Tribe of Indians was considered, ordered to a third reading, read the third time, and passed.

AUTHORITY TO USE CERTAIN FUNDS FOR SPECIAL METEOROLOGICAL SERVICES

The bill (S. 970) to authorize the Secretary of Commerce to utilize funds received from State and local governments for special meteorological services was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce may accept reimbursement for providing meteorological and hydrological work or services requested by States, counties, cities, or other local government units. Reimbursement may be accepted for the total or partial cost of the work or services furnished for the benefit of or in cooperation with such governmental units: *Provided,* That the Secretary shall require reimbursement for the total direct and indirect costs of work or services so provided which do not have value to the public at large.

SEC. 2. The Secretary of Commerce may receive such payment in funds or property to be used in providing the work or services, or both. All funds received in payment for work or services authorized herein shall be deposited in a separate account in the Treasury and shall be available to pay the costs of such work or services, for making refunds, or for crediting appropriations from which the cost of such work or services may have been paid: *Provided,* That payment for indirect costs not paid from the appropriation bearing the cost of the work or services shall be deposited into the Treasury as miscellaneous receipts.

SEC. 3. The Secretary of Commerce shall establish regulations to insure that no commitment for work or services that are determined to have no value to the public at large are made to States, counties, cities, or other local government units where such work or services can be obtained from private organizations and individuals who have competency in the meteorological sciences.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar. I take this means of expressing my thanks and appreciation to the distinguished Senator from Arkansas, the chairman of the Foreign Relations Committee [Mr. FULBRIGHT], for his patience and understanding.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. FULBRIGHT. Mr. President, I am painfully conscious of the distaste of my colleagues for this misnamed, maligned, misrepresented, and misunderstood legislation.

For longer than I care to remember, I have had the thankless duty of presenting this bill to the Senate. Today, in the few minutes remaining before the Senate adjourns, I shall make the presentation as short and painless as I can. I have not forgotten the incredibly long and arduous debate which kept us in session until just before Christmas last year. I can only hope it will not go that long this year.

Some years ago Prime Minister Nehru of India took the visiting Chinese Foreign Minister Chou En-Lai to the site of a new dam. "It is in these temples that I worship," said Nehru. And so indeed he did, as does virtually every other leader of the third world of Asia, Africa, and Latin America. Many, like Nehru himself, have done far more than worship in the temple of economic development; they have gone out of the temple to build dams and schools and factories, to begin the vast enterprise of bringing their long quiescent lands into the dynamic life of the 20th century.

Clearly, the aspiration to economic development is one of the powerful motivating forces in the world. It gives promise and substance and hope to the nationalism of the emerging nations. It has created new ferment in the world, new hopes and new dangers which the advanced nations, Communist as well as free, have tried to influence through military, economic, and technical assistance programs of unprecedented magnitude.

The aspirations of the poor nations are the occasion but not really the reason for the American foreign aid program. The reason for our aid—I think we must admit—lies in our own aspirations rather than those of the recipients, or, more precisely, in the profound effects which their aspirations have on our own prospects for peace and security.

Looked at in this way, foreign aid is not a special undertaking like an earthquake or famine relief program, but an instrument of policy—a normal instrument of policy like diplomacy, military power or intelligence, each of which is designed to achieve certain objectives which cannot readily be obtained by other means. I should like in these brief remarks to offer a few suggestions as to why foreign aid is a necessary instrument of American foreign policy, as to the kind of instrument it is and the kind of objectives it is likely to help attain.

The subject is not one which the Senate has neglected. Unlike certain other programs—some of at least equal importance and some of vastly greater magnitude—foreign aid has inspired many hours of colloquy and debate, including 3 full weeks of most enlightening discussion only a few months ago. There is therefore little to be said about foreign aid that has not been said before, but the case for the aid program is no less valid for being familiar. It is, indeed, as strong a case today as it was when General Marshall spoke at Harvard in 1947, and in some respects the prospects of our aid achieving its objectives are decidedly better today, after 17 years' experience, than they were when aid was a new and untested instrument of policy.

Of the bill itself little need be said. Its content is spelled out in the report of the Foreign Relations Committee and is in any case familiar. All that is markedly new about this year's foreign aid bill is the amounts proposed to be authorized, which are greatly reduced below the levels of previous years. It may be that the reductions have been too great; it may be that the program will function more effectively on a smaller scale. It is clear in any case that the proposed authorization cannot be further reduced without undermining the aid program as an instrument of American foreign policy.

The President has indicated that he regards this year's foreign aid request as the minimum consistent with the main-

tenance of a reasonably effective program. In reducing the authorization request to a total of $3.5 billion the administration has accommodated itself to the doubts and criticisms of the foreign aid program which has been expressed in the Congress in recent years. I strongly recommend that the Senate now respond by authorizing and then appropriating the full amount approved by the Foreign Relations Committee, which is only slightly below the amount requested by the President.

Before commenting on aid as a broad instrument of American policy, I would like to point to certain very important improvements which have been made in the aid program in response to the wishes of Congress.

First. American economic and military assistance, once quite diffuse, has become highly concentrated. Two-thirds of all development lending funds in fiscal year 1965 will go to seven countries which have demonstrated their ability to make effective use of development capital: Chile, Colombia, Nigeria, Turkey, Pakistan, India, and Tunisia. Two-thirds of all military assistance will go to 11 countries along the periphery of the Soviet Union and Communist China. More than four-fifths of supporting assistance funds will go to four countries: Vietnam, Korea, Laos, and Jordan. Selectivity is high and becoming higher: 17 nations which once received economic assistance from the United States no longer receive it and another 14 countries are approaching the point where they will no longer need soft loans and grants.

Second. The disproportion between American aid programs and those of other prosperous free world nations is being steadily reduced. In April 1963 the Development Assistance Committee concluded an agreement on liberalizing aid terms which is having a constructive effect. France, which already contributes a higher proportion of its gross national product to foreign aid than does the United States, has indicated its intention of sustaining a high level of aid. Britain and Canada have committed themselves to larger aid programs on liberalized lending terms. Germany's aid program has grown progressively larger and its lending terms more generous.

Third. The President's request for $3.5 billion for fiscal year 1965 is the second smallest since the beginning of the Marshall plan in 1948 and, in proportion to the Nation's growing resources, this year's request is by far the smallest burden since foreign aid began. In 1949 the amounts appropriated by Congress for military and economic assistance were 11.5 percent of the Federal budget and 2 percent of the Nation's gross national product. The current request is for less than 4 percent of the budget and only 0.6 percent of the gross national product.

As the Secretary of State pointed out in his statement before the Foreign Relations Committee, certain facts about foreign aid indicate that the program is sound and markedly improved along lines recommended by Congress; with two-thirds of development lending going to 7 countries and two-thirds of military assistance going to 11 countries, the program is highly concentrated; three-fifths of all economic assistance is now in the form of dollar repayable loans; 80 percent of all foreign aid funds is spent in the United States, with the result that the adverse effect of foreign aid on the Nation's balance-of-payments is negligible; criteria of development lending and self-help have been improved with experience; allied countries are mounting larger aid programs on more liberal terms; the program is a diminishing burden on the Nation's resources, the smallest by far since foreign aid became an established instrument of American foreign policy at the end of World War II.

Much of the controversy which has attended the annual debate of Congress on foreign aid is rooted, I suspect, in our reluctance to regard foreign aid as a normal instrument of American foreign policy like diplomacy and military power. Foreign aid has been described as everything from a sacred mission to a criminal lunacy, but the Nation has yet to form a consensus on the significance of foreign aid as it has worked out in practice, that is to say, as a perfectly rational tool of policy, no better or worse than any other in moral terms, one which has sometimes succeeded and sometimes failed and one which should be used or not used in any particular situation depending upon the objectives at stake and the prospects for success or failure under the circumstances of the case.

Through the years we have treated aid as something abnormal, presumably because it represents a use of national resources for a purpose other than our own direct consumption. This indeed is the basis of virtually all criticism of the aid program: that it diverts resources from the immediate needs of our own society. And so indeed it does, but the point which is overlooked by the opponents of aid is that it is only one of a number of national programs which divert resources from the needs of our people and in fact one of the least costly.

I share the concern of my colleagues who deplore the diversion of the Nation's resources. This country has great and growing problems ranging from public transportation to public education which are not now being solved and which can only be solved by costly public programs. The diversion of public funds to foreign commitments is therefore a matter of wholly justifiable regret. It is, however, an impenetrable mystery to me why it is that our fears of extravagance and waste are so overwhelmingly focused on foreign aid rather than on other, more costly programs. It is an impenetrable mystery to me why it is that in 1963 the Senate authorized a $3.6 billion aid program only after 3 weeks of rancorous debate and immediately thereafter approved a space budget of over $5 billion with only perfunctory debate. This, of course, is to say nothing of our annual military budgets of over $50 billion, which have recently been approved with no more than a few judicious queries by the Senators from South Dakota [Mr. McGOVERN] and Wisconsin [Mr. NELSON].

Unless it is believed that the defense and space programs are models of economy while foreign aid is by some mystery of its own nature scandalously extravagant, we can only conclude that the opposition to foreign aid is not primarily economic but political, that it is not the diversion and possible waste of national resources that troubles the opponents of aid but aid itself as an instrument of national policy. The issue, it seems clear, is not one of economy—if only because there is relatively little to be wasted in the foreign aid program and because so much in fact is wasted elsewhere without giving us undue concern—but rather one of the purpose and effectiveness of aid as an instrument of national policy.

The objective of American aid programs is to contribute to the development of a world environment in which free societies, notably our own, can survive and prosper in peace and reasonable security. The apparently unanswered question in our continuing public debate about aid is not one of economy but whether in fact our aid programs do contribute to the realization of this objective. As Prof. Edward S. Mason of Harvard has put it:

> If there is some reasonable expectation that economic development assistance can make a significant contribution to the peace and security of the West, it is surprising how small a financial sacrifice the countries concerned are willing to make to this end. * * * If economic aid is considered to be an instrument of foreign policy, it seems really a rather small instrument to deal with such a very large problem.

Foreign aid must be judged by the political criterion of whether it does or does not contribute to the security of the United States. I think it is clear beyond any doubt that it has contributed to our national security. Are we not more secure, to take one example among many, then we would otherwise be for having helped democratic India to make a modest success of her economic development program? Is the Western Hemisphere not more secure against Communist subversion as a result of even the limited accomplishments of the Alliance for Progress than it would be if we had left our Latin American neighbors to fend for themselves? Are our interests in Africa not more secure for having helped finance the United Nations Congo operation than they would be if we had left the Congo to chaos? And who would question the effectiveness of the Marshall plan not only in bolstering our security but in preventing an irremediable disaster for the West?

It seems clear—

As Herbert Feis has put it—

> that as a nation, we invest, lend, give, instruct, rescue, and resuscitate needy peoples in the belief that it will advantage our national security and reputation as well as our souls.

To acknowledge the importance and validity of foreign aid as an instrument of American foreign policy is not to assert its supreme importance or universal validity. It is in fact a limited instrument and must be appreciated as such if it is to be appreciated at all. It is a mod-

est element of our overall policy and a marginal factor in the economics of the recipient countries. Its success or failure thus depends on a great deal more than the amounts that are provided and the efficiency with which they are dispensed and put to use. Foreign aid is inseparable from the political, commercial, and defense policies of the donor and from the overall defense and social and economic development programs of the recipient. Only if we view our aid programs in their total context can we free ourselves of both excessive hopes and unwarranted disappointments.

We must not judge our aid program by impossible standards of achievement. It is not going to eliminate poverty and unrest and instability in the world. Even if it were magnified beyond any level which now seems feasible, our aid would not eliminate these problems because it is simply beyond our means—material, moral, and political—to elevate two-thirds of the human race from poverty to abundance.

But it does not follow from the fact that we cannot solve a problem that we should do nothing to try to alleviate it. An imperfect instrument is better than no instrument and modest progress is patently better than no progress at all. It is by the criterion of modest progress that we must evaluate foreign aid. Just as it makes no sense to think of disbanding our Armed Forces because they may not always secure the Nation against military dangers, it makes no sense to talk of terminating our foreign aid program because it serves only to alleviate rather than resolve worldwide problems of development and defense. Fire departments do not prevent losses from fires; the police do not prevent all crime; but who would suggest that we do without them?

Nor should we underestimate the importance of modest progress. It is frequently pointed out, for example, that even if the development programs of the poor nations are quite successful in, say, the next 20 years, the disparity between their living standards and those of the advanced nations is likely to become greater, not less, than it is now. This is probably true, but it tells us nothing of the probable effects of economic progress. A marked increase in the affluence of an already affluent America is likely to have only minor political consequences, but even small advances in diet and housing and education in a poor country can make a vital difference between hope and despair, between stability and disorder, between democracy and dictatorship.

Thus—

As Herbert Feis puts it—

one may anticipate that the disparity in human condition and experience will lessen, although differences in money income will grow greater.

Foreign aid, as I have suggested, can contribute to the development of a secure world environment for the free societies only as part of a grand strategy for security and peace. No matter how well conceived and administered, foreign aid can be of little value if our diplomacy is clumsy or if our defenses are neglected. It can contribute little to our security if the problems of our own country—problems of education and employment, of slums and crime and the physical deterioration of our cities—are left unresolved to destroy the magnetism of our own example as a free society. And finally, if it is to contribute to our security, foreign aid must be related not only to our short-term strategy for the containment of Communist expansion, but also to our long-term strategy for alleviating the cold war and developing peaceful and stable relations between the Communist nations and the free nations.

In the context of the cold war the objective of our aid programs is to help build stable and viable nations in Asia, Africa, and Latin America, nations with the capacity to resist Communist aggression and subversion and with reasonable prospects for both democracy and economic development. Our aim is not to build nations which will be profusely grateful to the United States, never annoy or displease us, and follow us loyally on all international questions. If these were our objectives, a more effective program would be the immediate termination of our aid program and the use of all its funds and a great deal more for the training and equipment of mass armies of occupation.

Ingratitude is disagreeable but not dangerous and slavish compliance is a characteristic for which a free society has no use, either in itself or in its associates. The fact remains, nonetheless, that the United States should and must expect the recipients of its aid to meet certain basic criteria in their international behavior. First and foremost, we have the right to expect the recipients of our aid to act vigorously and effectively to preserve their own independence against Communist incursions.

In addition, we have the right—as Feis expresses it—

to expect and ask that any nation to which we give substantial help will not do the United States serious harm; that it will stand with us in any critical issues if it wishes our help in the future.

Our foreign aid program must also be an integral part of a global strategy of peace. Its broad objective, I have suggested, is to help create a world environment in which free and self-governing societies can survive and prosper in peace and reasonable security. Such a world environment requires the abatement of both the national and ideological differences that divide the Communist nations from the free nations and the profound social and economic disparities between the rich nations and the poor nations. If our aid program is to be true to its own objective, therefore, it must be part of an overall strategy aimed at both the development of the poor nations and the relaxation of the cold war. Our long-term objective must be the gradual development of an attitude of mutual toleration on the part of all countries for all other countries. They may or may not be friends, but they still can and should cooperate to their respective advantages regardless of ideology and wealth.

Looked at in this way, our foreign aid program can be described as an instrument of policy designed in the short run to help wage the cold war and in the long run to help end it. As important as it is in the immediate future to help the less developed nations resist the incursions of an expansive communism, it is equally important that they be prepared to play a constructive role in encouraging the development of peaceful and stable relations among the nuclear powers.

There is no contradiction between the short-term goal of strengthening our position in the cold war through our aid programs and the long-term goal of ending the cold war. By drawing the less developed countries into a free and developing concert of nations, we can foreclose the Communist hope of gaining control or predominant influence over Asia, Africa, and Latin America just as the Western Alliance has foreclosed Communist ambitions in Europe. When this is done, when the Communist powers are confronted on every side with virtually insuperable obstacles to expansion, it will then be possible to offer them an end of the cold war by making it clear that we have no hostile designs against them, that they can have secure and untroubled national existences within their own frontiers so long as they remain within their own frontiers, and that we are prepared to welcome them as associates in a peaceful and cooperative community of nations.

The objective is admittedly ideal. It may perhaps be unattainable but I do not think it is unapproachable. An objective does not have to be within our reach to be worth pursuing.

Ideals—

Said Carl Schurz—

are like stars; you will not succeed in touching them with your hands. But like the seafaring man on the desert of waters, you choose them as your guides, and following them you will reach your destiny.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a letter sent to me by David Bell, the Administrator of the Agency for International Development, and an attached preliminary report on the amount of unobligated balances as of June 30, 1964, for the military and economic assistance programs. The report shows a total unutilized balance of $22 million as of June 30, 1964, the lowest at the end of a fiscal year in the history of the program.

There being no objection, the letter and report were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., July 8, 1964.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: You will be interested, I believe, in the attached preliminary report showing the amount of unobligated-unreserved balances, as of June 30, 1964, for the military and economic programs under title I of the Foreign Assistance Appropriation Act of fiscal year 1964. These are not final figures. They are based on "flash" reports from our field missions and preclosing trial balances in our Washington accounts.

Later changes in these figures, however, are not expected to be large.

You will note from the attached table that $15.2 million of available military and economic funds were unutilized as of June 30, 1964. In addition, $6.8 million of principal repayments and interest had accrued in the development loan accounts but were not legally available for obligation during the fiscal year. The total of $22 million is the lowest unutilized balance at the end of a fiscal year in the history of the program.

These low figures are evidence of the fact that fiscal year 1964 was an unusual year in terms of demands placed upon the foreign assistance program. Normally we would expect to have an appreciable balance left in the contingency fund. This year, however, it was necessary to use the entire contingency fund to meet exceptional requirements for military aid and to deal with the changed situation arising in Brazil this spring.

If there is any additional information that we can furnish in this regard, please do not hesitate to call.

Sincerely yours,

DAVID E. BELL.

MUTUAL DEFENSE AND DEVELOPMENT PROGRAMS—UNOBLIGATED/UNRESERVED BALANCES [1]

Fiscal yearend balances compared, fiscal year 1964 [2] and fiscal year 1963, as of June 30, 1964

[In millions of dollars]

	June 30, 1964, preliminary			June 30, 1963, actual		
	Available	Not available for obligation [3]	Total	Available	Not available for obligation [3]	Total
Economic assistance:						
Development loans	(4)	4.6	4.6	96.2	24	120.2
Alliance for Progress loans	(4)	2.2	2.2	92.0		92.0
Technical cooperation/development grants	6.0		6.0	47.3		47.3
Alliance TC/grants	.1		.1	2.7		2.7
Inter-American social and economic program	.2		.2	1.6		1.6
Supporting assistance	4.0		4.0	6.0		6.0
International organizations				.3		.3
Contingency fund	.8		.8	127.1		127.1
Administrative expenses, AID	1.3		1.3	2.0		2.0
Administrative expenses, State				(4)		(4)
Survey of investment opportunities	.5		.5	1.1		1.1
American schools and hospitals abroad:						
Regular program	1.2		1.2			
Foreign currency program	.1		.1	.1		.1
Total, economic	14.2	6.8	21.0	376.4	24	400.4
Military assistance	1.0		1.0	22.3		22.3
Total, military and economic	15.2	6.8	22.0	398.7	24	422.7

[1] Excludes nonbudgetary accounts—investment guarantees, excess property revolving fund, and MAP credit sales account.
[2] Preliminary data based on preclosing trial balance.
[3] Represents funds not legally available for obligation during the fiscal year.
[4] Less than $50,000,000.

Mr. MORSE. Mr. President, will the distinguished majority leader yield me 20 seconds?

Mr. MANSFIELD. I yield.

Mr. MORSE. Mr. President, because of the schedule of the Senate, I shall postpone until Monday my reply to the speech of the distinguished Senator from Arkansas, in which he supports the foreign aid program. I shall oppose the bill and offer a series of amendments starting on Monday.

PROGRESS OF LEGISLATION

Mr. MANSFIELD. Mr. President, it is the intention of the leadership to move shortly that the Senate adjourn until 12 o'clock noon on Monday next. Before doing so, I should like to make the following statement:

Since the reconvening of the Senate on July 20, after the Republican convention, the Senate has passed a number of major bills, including a score of Presidential recommendations. Most of these bills, if not all, have been passed by bipartisan effort. Therefore, credit is due both parties. Among the major achievements are the following:

An across-the-board increase for military personnel, through the efforts of Senators RUSSELL, SALTONSTALL, STENNIS, and the other Members of this body, because, as I recall, the bill was passed unanimously.

A bill to clarify the complicated dual compensation laws, which was so capably handled by the distinguished Senator from Texas [Mr. YARBOROUGH], and later by the distinguished Senator from South Carolina [Mr. JOHNSTON]. In this respect, my distinguished colleague from Montana [Mr. METCALF] and the distinguished Senator from Delaware [Mr. WILLIAMS] raised questions which helped to sharpen the issue and, as a result, enabled the Senate to pass a better bill.

A bill to prohibit futures trading in potatoes on commodity exchanges, which was passed largely through the efforts of the distinguished Senator from Maine [Mr. MUSKIE] and the distinguished Senator from Vermont [Mr. AIKEN], the senior Republican in this body.

The antipoverty bill, to which much credit is due Senators MCNAMARA, JAVITS, KEATING, FULBRIGHT, WILLIAMS of New Jersey, and many other Senators, who put their shoulders to the wheel in support of the measure.

A military construction bill, which was cleared for White House action due primarily to the intensive efforts of the distinguished Senator from Georgia [Mr. RUSSELL], the distinguished Senator from Mississippi [Mr. STENNIS], and the ranking Republican on the Armed Services Committee, the distinguished Senator from Massachusetts [Mr. SALTONSTALL].

The appropriation bills cleared by this body in the past 10 days were as follows: The defense appropriation bill, under the leadership of the distinguished Senator from Georgia [Mr. RUSSELL], and ably assisted by the distinguished Senator from Mississippi [Mr. STENNIS], the distinguished Senator from Missouri [Mr. SYMINGTON], and the distinguished Senator from Massachusetts [Mr. SALTONSTALL]; the legislative appropriation bill, under the managerial skill of the distinguished Senator from Oklahoma [Mr. MONRONEY], the distinguished chairman of the Appropriations Committee [Mr. HAYDEN], and the ranking Republican, the distinguished Senator from Massachusetts [Mr. SALTONSTALL]; the District of Columbia appropriation bill, which was passed yesterday and was managed so superbly by the distinguished Senator from West Virginia [Mr. BYRD]; the conference report on the Treasury-Post Office appropriation, which was cleared for the President, and was ably steered by the distinguished Senator from Virginia [Mr. ROBERTSON]. That bill, as the distinguished Senator from Wyoming [Mr. SIMPSON] is aware, contains an appropriation of $600,000 for the minting of 45 million silver dollars. This is good news for our States.

Also, a veterans housing bill to which great credit should go to the distinguished Senator from Alabama [Mr. SPARKMAN], a bill supported by all Members of the Senate.

The ratification of five important treaties.

An extensive housing bill, through the great efforts and skill of the distinguished Senator from Alabama [Mr. SPARKMAN] and who was ably assisted by the distinguished Senator from New Jersey [Mr. WILLIAMS], the distinguished Senator from Pennsylvania [Mr. CLARK], the distinguished Senator from New Hampshire [Mr. MCINTYRE], the distinguished Senator from New York [Mr. JAVITS], and through the cooperation of the distinguished Senator from Texas [Mr. TOWER], whose opposition was most constructive and whose suggestions helped make it possible to have a better bill.

The establishment of a Commission on Automation and Technology, so much needed in our times, and for which the Senate is indebted to the distinguished Senator from Pennsylvania [Mr. CLARK], the distinguished Senator from West Virginia [Mr. RANDOLPH], the distinguished Senator from Oregon [Mr. MORSE], and the distinguished Senator from New York [Mr. JAVITS], the latter two of whom submitted the original resolution on automation.

A $2.3 billion highway authorization bill, cleared largely through the efforts of the distinguished Senator from West Virginia [Mr. RANDOLPH], the distinguished Senator from Michigan [Mr. MCNAMARA], and the ranking minority member of the Committee on Public

Works, the distinguished Senator from Kentucky [Mr. COOPER].

A bill to implement the International Coffee Agreement, which was passed largely through the efforts of Senators SMATHERS, AIKEN, and MORSE, but also through the efforts of Senator DOUGLAS and Senator CARLSON whose sincere and constructive opposition contributed so greatly in making an outstanding legislative history and which put the State Department on notice that the Senate will watch this quota system most carefully especially as it relates to an increase in coffee prices.

The passage this morning of the Hill-Burton Hospital Construction Act, under the superb leadership of the distinguished Senator from Alabama, who is a perennial in this respect.

The passage of the National Defense Education Act, under the excellent and outstanding floor managership of the distinguished senior Senator from Oregon [Mr. MORSE], ably abetted and supported by the distinguished Senator from Vermont [Mr. PROUTY].

In praising the Senate as a whole and attempting to single out some members for their skill, effort, and cooperation in connection with specific pieces of legislation, some will always be inadvertently omitted from the list, but one who could never be forgotten is the distinguished minority leader [Mr. DIRKSEN]; I must say that the effort that brought about these achievements could never have been accomplished without the leadership, counsel, spirit of cooperation, and duty always manifested by him.

Next week, we hope to conclude action on the independent offices bill, perhaps the public works bill, and also the agricultural appropriations bill.

It is anticipated that we will bring up legislation having to do with nurses training, and also the interest equalization bill.

Let me say to all Senators on both sides of the aisle that we have made great progress.

I wish to personally thank each Senator for his valuable contribution in assisting the leadership to get these measures through so expeditiously.

Mr. MORSE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. The majority leader, as usual, has been very gracious in expressing appreciation to those who have helped to put through the legislative program.

All Senators know—and I would have the country know—that if it were not for the able leadership of the majority leader, his ability to handle men, his deftness in carrying out a very difficult assignment, none of these pieces of legislation would have been enacted. The entire Senate and the entire country owe the Senator from Montana a great debt of gratitude for his statesmanship.

Mr. MANSFIELD. I am indebted to the Senator from Oregon for his kind remarks.

COFFEE PRICES ALREADY GOING UP AFTER ENACTMENT OF H.R. 8864, THE INTERNATIONAL COFFEE AGREEMENT YESTERDAY

Mr. DOUGLAS. Mr. President, I appreciate the gracious references of the Senator from Montana about the efforts of the Senator from Kansas and the Senator from Illinois in opposing the coffee bill yesterday.

I especially appreciate his statement that Senators should keep close watch on what will happen after passage of the bill.

Mr. President, I hold in my hand a copy of the New York Times for this morning, which on page 32 gives the movement of future prices in coffee on Friday as compared with Thursday.

I should like to read two of these futures.

When the market closed on Thursday, March futures for 1965, on B grade coffee stood at 47.23 cents per pound. When the market closed last night, after we had passed the bill, it stood at 47.74 cents per pound—an increase of 0.51 cents per pound, or approximately one-half cent.

May futures which had been 47.11 cents per pound on Thursday, after the market closed last night was 47.68 cents per pound, or an increase of 0.57 cents per pound, or slightly over one-half a cent.

Each cent of increase in the price of coffee means from $30 to $35 million to the American consumers. The increase yesterday, which will probably be reflected in subsequent increases, amounted to $15 to $17 million.

This is precisely what the Senator from Kansas and the Senator from Illinois had prophesied would happen. This increase was undoubtedly due to the passage of the bill yesterday. So far as I know, there was no change in weather forecasts for Brazil or for anywhere in Latin America to justify any expectation that the supply of coffee would diminish. There was no information to indicate that there had been any expected increase in demand. What happened was that we had passed the coffee bill. The news reached New York and the speculators decided that this meant prices next year would be higher than this year.

Mr. President, this is only the beginning. This is merely the first installment on the bill. This is merely the reaction in the first hours after our action yesterday.

The Coffee Council is meeting now, as I understand, in London, and will meet again next week to make its final decision on quotas. It will be very interesting to see what they do.

Yesterday's trading indicates that the Senator from Kansas and the Senator from Illinois were correct as to the effect of this pact upon the future course of coffee prices.

The chickens are coming home to roost, but they are not coming home to those who supported this measure; they are coming home to the American people. They are coming home to the families of the plainsmen out West who drink their cups of coffee to brace themselves against the asperities of the weather. They are coming home to the people who live in the small towns and in the big cities. They are coming home in the form of an increased price of coffee.

It is my intention, in conformity with the excellent admonition of the Senator from Montana, to try to keep watch from time to time on what happens to coffee prices.

I can say that they began yesterday afternoon, just as I expected them to begin—with an increase.

Mr. SIMPSON. Mr. President, let me say to the Senator from Illinois that I concur with him in his remarks, and I trust that a check on these coffee prices will be made and a record kept.

Mr. President, I rise to commend the majority leader for his fairness, his understanding, and his generosity with respect to the accompliishments of this body in the past few weeks.

The majority leader is always fair and just. He conducts himself with impeccable integrity.

His remarks as to the work of the minority leader and the cooperation given on this side of the aisle are another indication of that integrity, and I thank him wholeheartedly.

Mr. MANSFIELD. Mr. President, I thank the Senator from Wyoming most sincerely for his comments.

ADJOURNMENT UNTIL MONDAY

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until 12 o'clock noon on Monday.

The motion was agreed to; and (at 12 o'clock and 8 minutes p.m.) the Senate adjourned until Monday, August 3, 1964, at 12 o'clock meridan.

Daily Digest

HIGHLIGHTS

Senate passed 16 sundry bills, including ones on defense education, impacted area schools, and on hospital facilities, and considered foreign aid bill.

Senate

Chamber Action

Routine Proceedings, pages 17083–17103

Bills Reported: Reports were made as follows:

S. 2419, authorizing condemnation of certain property in St. Augustine, Fla., for the Castillo de San Marcos National Monument (S. Rept. 1290);

S. 1909, authorizing funds for the operation of the Battle of New Orleans Sesquicentennial Celebration Commission (S. Rept. 1291); and

S. 1481, providing for the establishment of Agate Fossil Beds National Monument, Nebr., with amendments (S. Rept. 1292). Page 17083

Sundry Bills Passed: By unanimous consent, the following 16 sundry bills were taken from calendar and passed, as indicated:

Without amendment and cleared for President:

Hospital facilities: H.R. 10041, authorizing funds for improved hospital and medical facilities;

Public lands—Alaska: H.R. 8523, authorizing conveyance of certain lands to the city of Saxman, Alaska;

Public lands—Alaska: H.R. 8654, to terminate the restriction on the use of certain land conveyed to Fairbanks, Alaska;

Nevada water: H.R. 1892, to repeal the right to prospect for underground water on designated public lands in Nevada;

Armed Forces dependents: H.R. 4739, regarding advance movement of Armed Forces' dependents and baggage and household effects from overseas areas;

Armed Forces: H.R. 2989, to permit the continued crediting of pay to members of Armed Forces who are detained in foreign countries against their will;

Indians: H.R. 10973, providing for disposition of judgment funds to the Lower Pend d'Oreille or Kalispel Tribe of Indians; and

Private bill: One private bill, H.R. 5302.

With amendment, to be sent back to House:

Independence National Park: H.R. 988, authorizing acquisition of the Graff House Site for inclusion in Independence National Historic Park, Philadelphia.

Without amendment and cleared for House:

Education: S. 3060, proposed amendments to the National Defense Education Act, including a 3-year extension of that act, and a 2-year extension of impacted areas education legislation (motion to reconsider tabled);

Merchant marine: S. 2995, to amend the Merchant Marine Act in order to extend the time for commitment of construction reserve funds;

ROTC flight instruction: S. 3063, to make permanent the authority for flight instruction for members of the ROTC;

Armed Forces—"turncoat" pay: S. 3062, to provide for the withholding of pay of military personnel who, while prisoners of war, aid the enemy; and

Meteorology: S. 970, authorizing Secretary of Commerce to utilize funds received from State and local governments for special meteorological services.

With amendment and cleared for House:

Oceanography: S. 2552, to exempt oceanographic research vessels from the application of certain vessel inspection laws; and

Fort Bowie Historic Site: S. 91, authorizing the establishment of the Fort Bowie National Historic Site, Ariz.

Pages 17103–17132

Foreign Aid: Senate continued its consideration of H.R. 11380, fiscal 1965 authorizations for the foreign aid program. Pages 17103, 17132–17135

Program for Monday: Senate met at 10 a.m. and adjourned at 12:08 p.m. until noon Monday, August 3, when it will continue on H.R. 11380, foreign aid authorizations. Page 17136

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

The House was not in session today. Its next meeting will be held on Monday, August 3, 1964, at 12 o'clock noon.

Committee Meetings

No committee meetings were held today.

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶ The Congressional Record will be furnished by mail to subscribers, free of postage, for $1.50 per month, payable in advance. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C., 20402. For subscription purposes, 20 daily issues constitute a month. The charge for individual copies varies in proportion to the size of the issue. ¶ Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and is sold by the Superintendent of Documents in individual parts or by sets. ¶ With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.